

Agency 9

Kansas Animal Health Department

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Article 1.—ANTHRAX VACCINE

9-1-1. Sale or distribution. It shall be unlawful for any person to sell or distribute any anthrax spore vaccine, any Sterns' nonencapsulated spore vaccine, or any anthrax bacterin in the state of Kansas, without first having obtained, from the livestock sanitary commissioner of Kansas, a per-

mit therefor; which permit shall limit sale and distribution of such products to veterinarians holding specific authority from the livestock sanitary commissioner of Kansas to use such products. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

9-1-2. Use. It shall be unlawful for any person to inject or use anthrax spore vaccine, Sterns'

nonencapsulated spore vaccine, or anthrax bacterin, except veterinarians having authority for such purpose from the livestock sanitary commissioner of Kansas, and injecting and using such products under the supervision of the livestock sanitary commissioner of Kansas.

It shall be unlawful for any person to inject or use anthrax spore vaccine, except at locations or on premises where the existence of anthrax has been determined and confirmed by a laboratory diagnosis.

It shall be unlawful for any person to inject or use Sterns' nonencapsulated spore vaccine or anthrax bacterin, except: (1) At locations or on premises where a field diagnosis of the existence of anthrax has been made by a veterinarian authorized by the livestock sanitary commissioner of Kansas; or (2) where such location or premises as have been specifically designated by the livestock sanitary commissioner of Kansas as authorized for the injection or use of such products. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

Article 2.—BOVINE BRUCELLOSIS

9-2-1. Official vaccinate. (a) "Official calfhood vaccinate" means any heifer calf that is permanently identified and that has been officially vaccinated for brucellosis with a vaccine approved by the livestock commissioner and produced and approved under license of the United States department of agriculture (USDA) for injection into cattle and bison to enhance resistance to brucellosis. Each official calfhood vaccinate shall be vaccinated in accordance with subsection (b).

(b)(1) Female cattle of any breed and female bison shall be vaccinated with a USDA-approved brucella abortus vaccine. The vaccine shall be administered in accordance with the vaccine labeling for cattle when the calf is at least four months of age but less than 12 months of age, or at least 120 days of age but less than 360 days of age and for bison when the calf is at least four months of age but less than 10 months of age, or at least 120 days of age but less than 300 days of age.

(2) The vaccination shall be given by a veterinarian employed by the USDA, a veterinarian employed by the Kansas animal health department, or a veterinarian licensed to practice in the state of Kansas and accredited by the USDA. The veterinarian shall send to the livestock commissioner, within 10 days after the date of the vaccination, one copy of an official brucellosis vaccination rec-

ord reflecting the calfhood vaccination. One copy of the official brucellosis vaccination record shall be given to the owner, and one copy shall be retained by the veterinarian. (Authorized by K.S.A. 47-610 and 47-657; implementing K.S.A. 47-608 and 47-622; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1969; amended Jan. 1, 1974; amended May 1, 1984; amended, T-86-11, May 1, 1985; amended May 1, 1986; amended April 23, 1990; amended Jan. 23, 1998.)

9-2-2. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked, T-86-11, May 1, 1985; revoked May 1, 1986.)

9-2-3 and 9-2-4. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-5. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; implementing K.S.A. 47-658a and 47-658b; effective Jan. 1, 1966; amended May 1, 1982; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-6. Reports. All activities, conducted either privately or as a part of the official brucellosis eradication program, such as results of agglutination tests and vaccinations, shall be reported promptly to the state livestock sanitary commissioner. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966.)

9-2-7 and 9-2-8. (Authorized by K.S.A. 47-608, 47-622, 47-624 and 47-657; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-9. (Authorized by K.S.A. 47-608, 47-622, 47-624 and 47-657; effective Jan. 1, 1966; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-10. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-11 to 9-2-13. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-14 and 9-2-15. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1,

1966; amended Jan. 1, 1974; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-16. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-17. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-18 and 9-2-19. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-20 and 9-2-21. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-22. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; revoked Jan. 1, 1974.)

9-2-23 to 9-2-26. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-27. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; revoked Jan. 1, 1974.)

9-2-28 to 9-2-30. (Authorized by K.S.A. 47-608, 47-622, 47-624, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-31. (Authorized by K.S.A. 47-608, 47-610, 47-622, 47-624, 47-657; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; revoked, T-84-23, Aug. 30, 1983; revoked May 1, 1984.)

9-2-32. Brucellosis: uniform methods and rules. The provisions of "brucellosis eradication: uniform methods and rules," approved by the United States department of agriculture, animal and plant health inspection service, veterinary services, as the minimum standards for achieving and maintaining certified and validated herds and certified and validated area status, effective February 1, 1998, are hereby adopted by reference, except for the definition of "official vaccinate (adult)" in chapter 1, part 1. (Authorized by K.S.A.

47-610 and 47-657; implementing K.S.A. 47-608, 47-610, and 47-657; effective, T-85-10, April 11, 1984; effective, T-86-11, May 1, 1985; effective May 1, 1986; amended Jan. 23, 1998; amended, T-9-2-18-05, Feb. 18, 2005; amended June 10, 2005.)

9-2-33. Change of ownership requirements for intrastate movement. "Test eligible cattle," as defined in the uniform methods and rules, that are offered for sale or sold shall be tested for brucellosis on the date of sale. The seller shall be responsible for brucellosis testing. (Authorized by and implementing K.S.A. 47-608, 47-610, 47-657; effective, T-84-23, Aug. 30, 1983; effective May 1, 1984.)

9-2-34. "F" branding of heifers. (a) All sexually intact female feeder cattle, 18 months of age or younger, originating in "b" and "c" states, must be branded with the letter "F" on the left jaw or the left tail head. All female feeder cattle shall be branded at the farm of origin or first point of concentration except those going to a licensed Kansas feedlot. The letter "F" shall be at least three inches by two inches in size. All female feeder cattle moving direct to Kansas licensed feedlots shall be exempt.

(b) All spayed female cattle from "b" and "c" states shall be individually identified with a metal eartag or be branded with an open spade brand on the left jaw.

(c) Replacement female cattle from "b" and "c" states must originate from a certified brucellosis free herd or enter the state upon approval from the Kansas livestock commissioner.

(d) All livestock from "b" and "c" states moving into Kansas shall have: (1) A valid certificate of veterinary inspection; and

(2) a permit from the animal health department. (Authorized by and implementing K.S.A. 47-608; 47-610; 47-623; 47-624; 47-657; effective May 1, 1987.)

Article 3.—SWINE BRUCELLOSIS

9-3-1. Definitions. (1) Herd. A herd of swine shall include all swine on the premises of any owner of swine, or other person in possession, which swine are 6 months of age and over, exclusive of feeder swine maintained separate and apart from the swine kept for breeding purposes, and production therefrom.

(2) Negative herd test. A negative herd test

means a test in which no agglutination titre exceeds a reaction of incomplete in the 1-100 dilution on the plate test or when no animal in the herd reacts on the brucella card test.

(3) Negative animal test. A negative animal test means a test in which the agglutination titre is negative in the 1-25 dilution on the plate test or negative on the brucella card test.

(4) Swine reactor. A swine reactor means any porcine animal showing a complete reaction in the 1-100 dilution of the blood agglutination test or complete agglutination on the brucella card test.

(5) Infected herd. An infected herd means any herd for which the herd test discloses one or more animals reacting completely in the dilution of 1-100 or higher on the plate test, then any animal in the herd showing a reaction of complete in dilution of 1-25, or higher shall be considered a reactor. Any animal in the herd reacting in the brucella card test. (Authorized by K.S.A. 47-608, 47-610, and 47-657; effective Jan. 1, 1966; amended Jan. 1, 1969.)

9-3-2. Validated brucellosis-free swine herd. (1) Validation: A herd may be validated when the swine therein have passed one negative herd test. This includes all animals 6 months of age and over, with no agglutination tests being positive in the dilution of 1:100, or higher, on the plate test or no reactors on the brucella card test.

(2) Requirements for maintaining validated brucellosis-free herd: Annual herd blood test of all animals 6 months of age and over and herd additions limited to: (a) Swine from validated herds, without a test, and

(b) Swine from herds where clinical evidence, or history, does not indicate infection, and which shall have passed a negative test within 30 days prior to herd addition. Such swine shall be held in isolation from herd to which they are intended as additions, until found to be negative to a retest 60 to 90 days from date of first test.

(3) Revalidation: Herd. A negative herd test of all eligible swine conducted within 10 to 14 months of the last validation date or establish that at least 20 percent of adult breeding swine were tested under a market swine identification program during the year and that at least one-half of sampling occurred during the last 6 months of the validation period.

(4) Revalidation: Area. Market swine identification coverage of at least 30 percent (10 percent per year) of the breeding swine 6 months of age

or over from each herd, during the 3-year validation period. (Authorized by K.S.A. 47-608, 47-610, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1969; amended Jan. 1, 1974.)

9-3-3. Plans for eradicating brucellosis from infected swine herds. If infection is disclosed in swine herds, one of the following plans should be selected for eradicating the disease and for subsequent qualifying the herd for validated brucellosis-free status, if desired. Infected herds under test for area validation status should also choose one of these plans to eradicate brucellosis from the herd: A. Plan 1—This plan is recommended for commercial herds found infected. The following procedures should be carried out:

(a) Market the entire herd for slaughter as soon as practicable.

(b) Clean and disinfect houses and equipment.

(c) Restock premises with animals (from validated brucellosis-free herds), placing them on ground that has been free of swine for at least 60 days.

(d) After 2 consecutive negative tests, not less than 60 nor more than 90 days apart, the herd is eligible for validated brucellosis-free herd status.

B. Plan 2—This plan is recommended for use in infected pure-bred herds only where it is desired to retain valuable blood lines. The following procedures should be carried out: (a) Separate pigs from sows at 42 days of age or younger and isolate.

(b) Market infected herd for slaughter as soon as practicable. Infected sows should not be rebred and should be slaughtered as soon as possible. Complete isolation of infected animals is essential. The separated weanling pigs form the nucleus for establishment of the infection-free herd.

(c) Test the gilts to be used for the following breeding season about 30 days before breeding. Save only the gilts that are negative. Breed only to negative boars.

(d) Retest the gilts after farrowing and before removing them from individual farrowing pens. Should reactors be found, they should be segregated from the remainder of the herd and slaughtered as soon as possible. Select only pigs from negative sows for breeding gilts.

(e) If reactors are found in step (d), the process is repeated.

(f) Following 2 consecutive negative tests, not less than 90 days apart, the herd is eligible for validated brucellosis-free herd status.

C. Plan 3—This plan is not recommended in general, but it has been found useful in herds where only a few reactors are found and where no clinical symptoms of brucellosis have been noted. Carry out the following procedures: (a) Market reactors for slaughter.

(b) Retest herd at 30-day intervals, removing reactors for slaughter until the entire herd is negative.

(c) If the herd is not readily freed of infection, abandon this plan in favor of plan 1 or plan 2.

(d) Following 2 consecutive negative tests, not less than 90 days apart, the herd is eligible for validated brucellosis-free herd status. (Authorized by K.S.A. 47-608, 47-610, 47-657; effective Jan. 1, 1966; amended Jan. 1, 1974.)

9-3-4. Official program work and reports. All official work shall be conducted by an authorized licensed, accredited veterinarian and the work shall be at the expense and liability of the swine owners, except fee-basis testing of swine is authorized in areas not validated brucellosis free and the testing shall be limited to suspicious and infected herds and area validation. Blood samples shall be tested at a state-federal cooperative laboratory. All testing shall be reported to the livestock commissioner on official brucellosis test charts and the reports shall show the date, name and address of the owner, the positive identification of the animal tested, and test results. (Authorized by K.S.A. 47-608, 47-610, 47-657; implementing K.S.A. 47-610; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1982.)

9-3-5. Quarantine. When brucellosis is found in a herd, all swine on the premises where such disease is found, shall be under quarantine until released by the livestock sanitary commissioner of Kansas.

Shipments to slaughter may be authorized by a shipping permit issued by the livestock sanitary commissioner of Kansas.

All swine moved to slaughter on a permit shall be identified in a manner approved by the livestock sanitary commissioner of Kansas. (Authorized by K.S.A. 47-608, 47-610, 47-657; effective Jan. 1, 1968.)

Article 4.—DISPOSAL PLANTS

9-4-1. Definitions. (a) “Commissioner” means the livestock sanitary commissioner of the state of Kansas.

(b) “Inedible meat” means meat and meat products derived from dead, dying, disabled, diseased, or condemned animals, or animals whose meat or meat products are otherwise unsuitable for human consumption, and shall include meat or meat products regardless of origin which have deteriorated so far as to be unfit for human consumption.

(c) “Decharacterization” means the uniform application of sufficient quantities of dye, charcoal, malodorous fish oil, acid or any other agent approved by the commissioner, upon and into freshly slashed flesh, or inedible meat, so as to unequivocally preclude its use in human food. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

9-4-2. Inedible meats. Inedible meats, (except hides, meat meal, or bone meal, being shipped from a disposal plant) shall be packed in type of container approved by the commissioner. The container so used, shall be clearly marked or stamped with the legend “unfit for human consumption.” Lettering used in the legend shall be at least as large as any other lettering on the container, and in no event shall the lettering in the legend, be smaller than one-half inch in height or less than one-half inch in width. Master containers or cartons shall not exceed 100 pounds. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

9-4-3. Handling of inedible meats; identification and decharacterization. Inedible meats, placed into overnight cooler storage, shall be readily identified as an inedible product, by the direct application of green ink, or by the direct application of charcoal, to the exposed exterior surfaces of the carcasses, or major parts, in sufficient amounts to clearly identify it as an inedible product.

Boned meat shall be ground, or shall be in small pieces not more than four inches in diameter. Boned meat may be processed in pieces larger than four inches in diameter if such pieces are promptly slashed at no more than two-inch intervals, and if an approved denaturing agent is promptly and freely applied to all outside and slashed surfaces.

Application of any denaturing agent to the outside surface of molds, or to outside of blocks, of boned inedible meats shall not be adequate. The denaturing agent shall be mixed intimately with all inedible meats sought to be denatured. Suf-

cient denaturant shall be used to give the inedible meats, so distinctive a color, odor, or taste, that it is not susceptible of being confused with any article for human food. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

9-4-4. Records. Each disposal plant operator shall maintain complete and accurate records as to amount of inedible meats denatured, the amount sold, to whom sold, the address of the consignee, and how and by whom hauled. Such records shall be open to inspection by the commissioner, or his authorized agent, at all times during the normal working hours at such establishment.

Copies of invoices of all sales shall be forwarded to the commissioner, not later than the 10th of each month, covering the previous month's transactions. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

9-4-5. Sales of inedible meats; registration. Inedible meat products (1) may be sold, when properly decharacterized, for shipment directly to a plant producing dog food, or (2) may be sold to a person for use in feeding dogs, pets, mink or other animals, as allowed by the commissioner. A disposal operator shall register with the commissioner, before he engages in the business of selling inedible meats. This registration shall be in writing. After the disposal plant operator (1) has made application for registration to engage in such activity, and (2) has informed the commissioner where the inedible meats are to be sold, and (3) has had his disposal plant inspected, and (4) such plant has been determined to be adequate to process and handle inedible meats, the commissioner may issue a registration certificate to the applicant. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

9-4-6. Exemptions. Disposal plants operating under federal inspection are exempt from the application of these regulations. (Authorized by K.S.A. 47-610, 47-1215; effective Jan. 1, 1968.)

Article 5.—GARBAGE FEEDING

9-5-1. Movement or sale of garbage fed hogs. All swine fed garbage or slaughterhouse refuse shall be so fed and handled under quarantine. It shall be unlawful to move or sell any animals which have been fed garbage or slaughterhouse refuse, unless such garbage or slaughterhouse refuse has been adequately cooked. Such animals,

so fed, only may be lawfully moved or lawfully sold, if accompanied by an official inspection certificate and permit, authorizing such movement or sale and a quarantine release. Such certificate and permit shall be executed by the livestock sanitary commissioner, or by his approved representative. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

9-5-2. Receiving, purchasing or slaughtering animals fed garbage or slaughterhouse refuse. It shall be unlawful for any person, knowingly, to receive or to purchase from another, or to slaughter any animal which has been fed garbage or slaughterhouse refuse; unless such animal has been fed garbage or cooked slaughterhouse refuse which has been adequately cooked and is accompanied by health certificate, permit, and quarantine release. Animals so fed may be lawfully received, if accompanied by an inspection certificate, permit, and quarantine release issued by the livestock sanitary commissioner, or by his approved representative, within 48 hours, prior to the delivery of such animals. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

9-5-3. Destruction of diseased swine; indemnity. Swine that develop the disease of vesicular exanthema shall be slaughtered under directive of the livestock sanitary commissioner, or shall be otherwise disposed of under supervision of the federal agricultural research service (ARS) and processed in a manner determined and approved by such agency. Such animals shall be appraised, and indemnity shall be paid as provided by law, insofar as funds for the purpose are available. Swine fed uncooked garbage or uncooked slaughterhouse refuse shall not be eligible for indemnity payments. Any owner of swine who had failed to comply with any or all laws and regulations in regard to feeding cooked garbage, any person who has violated any quarantine or other regulation invoked to control and eradicate vesicular exanthema, shall not be eligible for indemnity payments. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

9-5-4. Feeding platforms and other feeding equipment. It shall be unlawful for any person to feed cooked garbage or cooked slaughterhouse refuse to animals, except on a feeding platform constructed of concrete or other approved impervious material. Curbs or feeding troughs shall be provided to confine all refuse to

the platform. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

9-5-5. Disposal of materials removed from feeding platforms. Feeding platforms and troughs shall be cleaned daily, or frequently enough to maintain sanitary conditions as required by the livestock sanitary commissioner. It shall be unlawful for anyone to dispose of materials cleaned or removed from a feeding platform, used for feeding cooked garbage or cooked slaughterhouse refuse, except into a place and in a manner approved by the livestock sanitary commissioner. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

9-5-6. Veterinarian inspectors to supervise garbage and refuse feeding operations. It shall be unlawful for anyone to feed cooked garbage or cooked slaughterhouse refuse to animals which will be offered for sale or for slaughter, without first having obtained the approval of the livestock sanitary commissioner, or a veterinarian employed by the owner of such animals, for purposes of supervising the health and release for sale or for slaughter of animals being so fed. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

9-5-7. Heating requirements. All garbage and packinghouse refuse which is cooked for feeding to animals shall be cooked in a mixture with water, with the water to be added in such quantity as to equal one-third the depth of the garbage and refuse at the time the cooking process is started. This mixture shall be heated to the boiling point, and shall be held at the boiling point for 30 minutes. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

9-5-8. Records. All persons feeding cooked garbage or cooked slaughterhouse refuse shall keep a record, showing the number of all animals added to the herd; the date of such additions; number of all animals removed; the destination of all animals removed; and the date of such removal. A copy of the approved inspector's certificate, and permit for removal and quarantine release shall be kept with and as a part of such records. All such records shall be available to the livestock sanitary commissioner, or his representative, for inspection at all times. (Authorized by K.S.A. 47-610, 47-1304; effective Jan. 1, 1966.)

Article 6.—HOG CHOLERA

9-6-1. Reportable disease. Hog cholera is hereby recognized as an infectious and contagious disease which shall be reported to the state livestock sanitary commissioner when diagnosed or suspected. (Authorized by K.S.A. 47-610, 47-629; effective Jan. 1, 1966.)

9-6-2. Quarantine requirements. All swine in herds where hog cholera is diagnosed by any veterinarian shall be placed under herd quarantine. (Authorized by K.S.A. 47-610, 47-629; effective Jan. 1, 1966.)

9-6-3. Supervision of quarantined herds. All swine, which have been quarantined for hog cholera in herds or otherwise, shall be under the supervision of the state livestock commissioner, or his authorized representative, until released from such quarantine. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966; amended Jan. 1, 1970.)

9-6-4. Disinfection of premises. Buildings, pens and enclosures, in which swine have been held under quarantine for hog cholera, shall be cleaned and disinfected with an approved disinfectant, after evidence that hog cholera has been eliminated. (Authorized by K.S.A. 47-610, 47-629; effective Jan. 1, 1966.)

9-6-5. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966; revoked Jan. 1, 1970.)

9-6-6. Movement to slaughter. All swine moved to slaughter from hog cholera quarantined herds shall be moved in a manner approved by the livestock commissioner of Kansas. (Authorized by K.S.A. 47-610; effective Jan. 1, 1968; amended Jan. 1, 1970.)

9-6-7. Hog cholera modified live virus. The sale or use of hog cholera modified live virus vaccines is prohibited in the state of Kansas. (Authorized by K.S.A. 47-629, 47-653b; effective, E-68-25, Aug. 9, 1968; effective Jan. 1, 1969; amended Jan. 1, 1970; amended Jan. 1, 1974.)

9-6-8. Inactivated hog cholera vaccines. The sale of or the use of inactivated hog cholera virus vaccine in the state of Kansas is prohibited. (Authorized by K.S.A. 47-610, 47-629, K.S.A. 1968 Supp. 47-653b; effective, E-68-25, Aug. 9, 1968; effective Jan. 1, 1969.)

9-6-9. Vaccination with serum alone. When serum alone is used for prophylaxis, swine

vaccinated at public livestock markets in Kansas, and swine vaccinated in Kansas for interstate shipment, or swine vaccinated for shipment into the state of Kansas, shall be injected with the amount of anti hog cholera serum or the amount of antibody concentrate as hereinafter stated.

Weight of swine in pounds	Minimum dose of serum	Minimum dose of antibody concentrate
Under 60 pounds	20 cc	10 cc
60-120 pounds	30 cc	15 cc
Over 120 pounds	40 cc	20 cc

Provided, Each animal weighing under 20 pounds shall be injected with a dosage of serum of not to exceed 1 cubic centimeter per pound of body weight or with a dosage of antibody concentrate of not to exceed ½ cubic centimeter per pound of body weight. (Authorized by K.S.A. 47-610, 47-629, K.S.A. 1968 Supp. 47-653b; effective, E-68-25, Aug. 9, 1968; effective Jan. 1, 1969.)

Article 7.—MOVEMENT OF LIVESTOCK INTO OR THROUGH KANSAS

9-7-1. General. (a) Livestock shall not be imported into Kansas except in accordance with the laws and rules and regulations of the state of Kansas, and of the animal and plant health inspection service, veterinary services, United States department of agriculture.

(b) Livestock shall not be imported into Kansas without an official health certificate issued by a licensed, accredited veterinarian. When a permit is required, the permit number shall be shown on the health certificate. Livestock may be imported without a health certificate directly to:

- (1) A state or federally-approved slaughter establishment for immediate slaughter;
- (2) A state or federally-approved public livestock market for sale; or
- (3) A Kansas farm, without change of ownership, from a farm owned or leased by the owner of the livestock within the trade territory.

(c) A copy of the health certificate, showing the permit number when required, authorizing movement into Kansas, shall accompany the livestock. If movement of livestock be by railroad, a copy of the health certificate, showing the required permit number, shall be attached to the bill of lading.

(d) Livestock entering Kansas on a public highway or road shall clear through a Kansas motor carrier inspection station. (Authorized by K.S.A. 47-607d, 47-610, 47-620; implementing K.S.A.

47-607; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1980; amended May 1, 1982.)

9-7-2. Health certificates. (a) Livestock moved into Kansas, except as specifically exempted, shall be accompanied by an official interstate health certificate and completed in a manner approved by the livestock commissioner of Kansas.

(b) A copy of the health certificate, required for livestock imported into Kansas, shall be submitted to the livestock official of the state of origin for his or her approval, and shall be forwarded to the livestock commissioner of Kansas.

(c) Livestock imported into Kansas, other than by railroad, shall clear through a Kansas motor carrier inspection station. Health certificates are required for motor carrier inspection station clearance. Two copies of the certificates shall be supplied, one copy for the motor carrier inspection station attendant and one copy for the owner of the livestock. (Authorized by K.S.A. 47-607d, 47-610, 47-620; implementing K.S.A. 47-607; effective Jan. 1, 1966; amended Jan. 1, 1971; amended May 1, 1982.)

9-7-3. Livestock permits required. (a) Before any of the following types of livestock are imported into the state of Kansas, the veterinarian in the state of origin who issues the health certificate shall obtain a permit from the Kansas livestock commissioner:

- (1) all cattle originating from Mexico;
- (2) calves under 60 days of age that are not accompanied by their dams;
- (3) all swine;
- (4) all rodeo stock, as defined by K.A.R. 9-7-18(e);
- (5) all cattle, bison, or elk originating from within Yellowstone national park or from within a 20-mile zone surrounding Yellowstone national park;
- (6) all live, owned cervidae; and
- (7) livestock imported from areas where a specific disease exists.

(b) The permit shall be issued to the veterinarian in the state of origin who issues the health certificate. The permit number shall be shown on the health certificate.

(c) Each permit shall be void 15 days after date of issuance. (Authorized by K.S.A. 47-607d, 47-610; implementing K.S.A. 1996 Supp. 47-607; ef-

fective Jan. 1, 1966; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1982; amended Jan. 23, 1998.)

9-7-4. Cattle. (a) Tuberculosis. All breeding cattle, six (6) months of age and over, shall not be imported into Kansas unless accompanied by an official health certificate showing that they have:

(1) Originated in a tuberculosis accredited herd;

(2) Originated in a tuberculosis-free state or modified accredited tuberculosis area; or

(3) Been tested and were found negative to tuberculosis within sixty (60) days before date of entry.

(b) Brucellosis.

(1) Brucellosis tests, regardless of method, shall be confirmed at a state-federal cooperative laboratory.

(2) Breeding cattle, six (6) months of age or over, imported into Kansas shall meet interstate requirements as outlined in the federal uniform methods and rules according to state classification.

(3) Breeding cattle, six (6) months of age or over and feeding and grazing cattle of test-eligible age from non-quarantined herds, moving into Kansas from any state having a high incidence of brucellosis, as determined by the livestock commissioner of Kansas, shall have two (2) negative brucellosis tests at least one hundred twenty (120) days apart and the second test within thirty (30) days of shipment into Kansas, except the following:

(A) Animals from a certified brucellosis-free herd;

(B) Cattle from an established herd and from a "farm of origin" within the trade territory of any Kansas public livestock market, as determined by the market operator and the market veterinary inspector. Cattle held on the same out-of-state premises for at least one hundred twenty (120) days before interstate movement shall qualify as "farm-of-origin" cattle; and

(C) Cattle consigned to a licensed quarantined feed lot shall have one (1) negative test within thirty (30) days of shipment into Kansas.

(4) All animals imported into Kansas from any state having a high incidence of brucellosis, except those going to a licensed feed lot, shall be placed under quarantine upon arrival at a Kansas destination and shall be held in isolation from all other cattle, and shall be retested not sooner than forty-

five (45) days, and not more than one hundred twenty (120) days after arrival in Kansas. The retest shall be at the owner's expense. (Authorized by K.S.A. 47-607d, 47-610, 47-620; implementing K.S.A. 47-607, 47-610 and 47-657; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1982.)

9-7-5. Heifers for feeding and grazing.

Beef heifers, under test-eligible age, may be imported into Kansas for feeding and grazing, without a permit, if accompanied by an official health certificate. Heifers consigned to any location other than a licensed feed lot will be quarantined upon arrival and shall be held for feeding purposes only. A permit for import movement may be required when a specific disease condition exists. (Authorized by K.S.A. 47-607d, 47-610, 47-620; implementing K.S.A. 47-607 and 47-610; effective Jan. 1, 1966; amended Jan. 1, 1971; amended Jan. 1, 1974; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1982.)

9-7-6. Cattle; calves (heifers or bulls), and steers. Calves (heifers or bulls), over 2 and under 6 months of age, and steers, may be imported into Kansas, accompanied by an official health certificate, except when a specific disease condition exists in a state and special requirements are made by the Kansas livestock commissioner.

Calves under 2 months of age shall not be moved into the state of Kansas and shall not be sold therein, unless and until a purchaser of the same, located in Kansas, has first obtained from the Kansas animal health department a special permit, authorizing such movement into Kansas with delivery at a Kansas destination. Any movement of such calves into the state of Kansas, under such a special permit, shall be accompanied by an official health certificate, issued by authorized personnel within the state from which the movement of such calves originated. Any such calves, being moved into the state of Kansas under authority of a special permit, shall be quarantined upon the premises of the Kansas purchaser at the Kansas delivery destination for a period of 60 days following the date of delivery: *Provided*, That this regulation shall not apply to any movement of calves under the age of two months, when such calves are accompanied by their respective dams and when such dams are accompanied by a health

certificate which has been issued by authorized personnel at the point of origin. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective Jan. 1, 1966; amended Jan. 1, 1971; amended, E-72-14, May 26, 1972; amended Jan. 1, 1973; amended Jan. 1, 1974.)

9-7-6a. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective Jan. 1, 1971; amended Jan. 1, 1974; revoked, E-76-28, Aug. 15, 1975; revoked May 1, 1976.)

9-7-7. Swine. (a) All swine imported into Kansas shall be identified to the farm of origin.

(b) All swine importers of feeding, breeding and feral swine shall produce a certificate of veterinary inspection and a permit issued by the Kansas animal health department upon entry to the state of Kansas. All classes of swine from herds of origin consigned to slaughter in Kansas or consigned to an approved Kansas market are exempt. "Herd of origin" as defined in subpart A general provision 78.1 of code of federal regulations in effect on January 1, 1988 is hereby adopted by reference.

(c) All imported swine shall originate from herds free of pseudorabies. Any herd may be classified free by the monitoring system approved by the state of origin. Swine that have been pseudorabies vaccinated shall not enter Kansas, except on special permission of the livestock commissioner.

(d) All breeding swine, regardless of age, shall be tested and found negative for brucellosis and pseudorabies within 30 days of entry, or shall be from a validated brucellosis-free and qualified pseudorabies-free herd as defined in subpart A, general provision of 78.1 and part 85, pseudorabies, sec. 85.1 of the code of federal regulations, as in effect on Jan. 1, 1988, which is hereby adopted by reference. All breeding swine shall be quarantined for 21 to 45 days and shall be retested for brucellosis and pseudorabies.

(e) All feeder swine imported into Kansas shall be held under quarantine until fed out and delivered for slaughter.

(f) Swine importers may prefile a written modified quarantine and/or test requirement plan for approval from the livestock commissioner. (Authorized by K.S.A. 47-607, implementing 47-607 and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Jan. 1, 1966; amended Jan. 1, 1970; amended Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1982; amended Feb. 5, 1990.)

9-7-8. Sheep. Sheep shall not be imported into Kansas, except for immediate slaughter, unless accompanied by an official health certificate, showing: (1) that they are from a state-federal approved scab free area, or (2) that they have been dipped in an approved dip under veterinary supervision, within thirty (30) days prior to movement into Kansas. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective Jan. 1, 1966.)

9-7-9. Dogs. Dogs shall not be imported into Kansas, unless accompanied by a certificate of health issued by an approved veterinarian, stating:

(a) that such dogs are free from symptoms of any communicable disease;

(b) that such dogs have not been exposed to rabies; and

(c) that such dogs have been vaccinated against rabies with a product licensed by the U.S.D.A. and the duration of immunity and method of administration be in accordance with manufacturer's guidelines. Dogs under three (3) months of age need not be vaccinated against rabies. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective Jan. 1, 1966; amended, E-76-28, Aug. 15, 1975; amended May 1, 1976; amended May 1, 1980.)

9-7-9a. Cats. Cats shall not be imported into Kansas, unless accompanied by a certificate of health issued by an approved veterinarian, stating: (a) that such cats are free from symptoms of any communicable disease; (b) that such cats have not been exposed to rabies, and (c) that such cats have been vaccinated against rabies with a product licensed by the U.S.D.A. and the duration of immunity and method of administration be in accordance with manufacturer's guidelines. Cats under three (3) months of age need not be vaccinated against rabies. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective, E-76-28, Aug. 15, 1975; effective May 1, 1976; amended May 1, 1980.)

9-7-10. Livestock for exhibition purposes. Except for rodeo stock, livestock may be moved into Kansas for exhibition purposes, if accompanied by a health certificate or a certificate of veterinary inspection signed by a licensed veterinarian. The certificate shall be on a form approved by the livestock commissioner and shall show that such livestock met regular Kansas interstate health requirements, as established for the particular species, before the date of entry

into Kansas. (Authorized by K.S.A. 47-607d, 47-610; implementing K.S.A. 47-610; effective Jan. 1, 1966; amended April 3, 1998.)

9-7-11. Zoo animals, fur-bearing animals and other domesticated wild animals. Zoo animals, fur-bearing animals and other domesticated wild animals shall be accompanied by an official health certificate. (Authorized by K.S.A. 47-607d, 47-610, 47-620; effective Jan. 1, 1971.)

9-7-12. Buffalo or bison. (a) Except as provided in subsection (b), each buffalo or bison that enters the state of Kansas shall be accompanied by an official health certificate and shall have tested negative for brucellosis within the preceding 30 days, if the buffalo or bison meets one of the following criteria.

(1) It is a non-vaccinated female that is 18 months of age or older.

(2) It is a vaccinated female that is 24 months of age or older.

(3) It is a bull that is 12 months of age or older.

(b)(1) Before any buffalo or bison from the greater Yellowstone area is imported into the state of Kansas, the veterinarian in the state of origin who issues the health certificate shall obtain a permit from the Kansas animal health department. "Greater Yellowstone area" means Yellowstone national park and a 20-mile zone surrounding Yellowstone national park.

(2) Buffalo or bison originating from free-roaming herds located in the greater Yellowstone area shall be prohibited from entering the state of Kansas.

(3) Each buffalo and bison entering the state from the greater Yellowstone area that is owned, that is eligible for brucellosis testing, and that did not originate from a free-roaming herd shall test negative within 30 days before entry into Kansas and shall be quarantined at the destination for a re-test at the owner's expense no sooner than 45 days and no later than 150 days from the date of entry. (Authorized by K.S.A. 47-607d, 47-610, and 47-620; implementing K.S.A. 47-610 and 47-620; effective Jan. 1, 1971; amended Jan. 23, 1998.)

9-7-13. Goats. Goats shall not be imported into Kansas, unless accompanied by an official health certificate, identifying the animals and showing that the animals have had negative tuberculosis and brucellosis tests within 30 days prior to date of entry. (Authorized by K.S.A. 47-

607d, 47-610, 47-620; effective, E-76-28, Aug. 15, 1975; effective May 1, 1976.)

9-7-14. Equidae. (a) Each equidae entering the state of Kansas shall be identified individually on and accompanied by a USDA veterinary services form 10-11 and an official health certificate or certificate of veterinary inspection by one of the following methods:

- (1) brand;
- (2) lip tattoo;
- (3) microchip;
- (4) registration number;
- (5) description; or
- (6) any other method approved by the livestock commissioner.

(b) Each equidae entering the state of Kansas, except a nursing foal that is six months of age or under and that is accompanied by its dam, shall test negative for equine infectious anemia within 12 months prior to entry, using an industry-approved test conducted in a laboratory approved by the livestock commissioner. If the equidae has been tested more than one time during the 12 months immediately preceding entry into the state of Kansas, only the last test shall be considered valid. The following information shall appear on the official health certificate or certificate of veterinary inspection:

- (1) the date of the test;
- (2) the type of test utilized;
- (3) the test results; and
- (4) the name of the testing laboratory.

(c) For the purposes of this regulation, the term "equidae" shall include the following:

- (1) horses;
- (2) asses;
- (3) zebras; and
- (4) equidae hybrids.

(Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-610; effective, E-76-28, Aug. 15, 1975; effective May 1, 1976; amended Jan. 23, 1998.)

9-7-15. Ratites. (a) Each ratite imported into Kansas shall be accompanied by an official health certificate or a certificate of veterinary inspection signed by a licensed veterinarian on a form approved by the livestock commissioner, unless the ratite is moved directly to one of the following locations:

- (1) to an approved state or federally inspected livestock market;

(2) to an approved state or federally inspected slaughter establishment; or

(3) to property in the state of Kansas from property located not more than 20 miles outside of the state of Kansas, if both properties are owned by the same person or entity.

(b) Each ratite that the owner intends to sell or to use for the purpose of breeding or exhibition shall be identified individually by an implanted microchip or some other method approved by the livestock commissioner. The following information shall be written on the health certificate or the certificate of veterinary inspection:

- (1) the microchip manufacturer's name;
- (2) the microchip number; and
- (3) the location of the microchip.

(c) Each ratite imported for the purpose of slaughter or feeding that has a microchip implant shall be identified individually by the following information on an official health certificate:

- (1) the microchip manufacturer's name;
- (2) the microchip number; and
- (3) the implant location.

(d) For the purposes of this regulation, the term "ratite" shall include the following:

- (1) ostriches;
- (2) emus;
- (3) rheas;
- (4) cassowaries; and
- (5) kiwis.

(Authorized by K.S.A. 1996 Supp. 47-607 and 47-607d; implementing K.S.A. 1996 Supp. 47-607 and K.S.A. 47-610; effective Jan. 23, 1998.)

9-7-16. Cervidae. The owner of each live cervidae imported into Kansas shall comply with importation and testing requirements set out in K.A.R. 9-29-4, K.A.R. 9-29-5, and K.A.R. 9-29-6. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

9-7-17. Camelidae. (a) Each camelidae imported into the state of Kansas shall be identified by one of the methods stated in subsection (b) and shall be accompanied by an official health certificate or a certificate of veterinary inspection signed by a licensed veterinarian. The certificate shall be on a form approved by the livestock commissioner.

(b) For identification purposes, the following information shall be written on the health certificate or the certificate of veterinary inspection:

(1) A description of each camelidae, including the following characteristics:

- (A) the age;
- (B) the size;
- (C) the color marking;
- (D) the sex;
- (E) the breed; and
- (F) any information available regarding vaccinations and testing; and

(2) Any other significant identification for each camelidae, which may include these types of identification:

(A) An official microchip identification that includes the microchip number the microchip manufacturer's name, and the location of the microchip;

(B) an ear tag;

(C) a tattoo number and the location of the tattoo; or

(D) any other permanent identification approved by the livestock commissioner.

(c) Brucellosis. Each camelidae imported into the state of Kansas that is six months of age or older shall test negative for brucellosis, using an official test, within 30 days before entry.

(d) Tuberculosis. Each camelidae imported into the state of Kansas that is six months of age or older shall test negative for tuberculosis, using an official test, within 60 days before entry.

(e) For the purposes of this regulation, the term "camelidae" shall include the following:

- (1) camels;
- (2) llamas; and
- (3) alpacas.

(Authorized by K.S.A. 47-607d; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

9-7-18. Rodeo stock. (a) Each owner of rodeo stock shall obtain a permit from the livestock commissioner authorizing importation of the rodeo stock.

(b) All rodeo stock shall be accompanied by a health certificate or a certificate of veterinary inspection signed by a licensed veterinarian. The certificate shall be on a form approved by the livestock commissioner and shall include the permit number issued by the Kansas animal health department.

(c) Bulls that are 12 months of age and older shall test negative for brucellosis, using an official test, within 12 months before entry.

(d) Horses that are six months of age and older

shall test negative for equine infectious anemia (EIA) within 12 months before entry.

(e) For purposes of this regulation, “rodeo stock” means livestock participating, working, or being used in connection with competition. “Competition” may include bull riding, bronco riding, barrel racing, team penning, or other similar events. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

9-7-19. Equine passport. (a)(1) For the purposes of these regulations, the term “equidae” shall have the meaning in K.A.R. 9-7-14.

(2) “Equine passport” means a document issued by a veterinarian licensed and accredited in the state of origin and written on a form approved by and bearing a certificate number issued by the animal health regulatory agency in the state of origin. This passport shall individually identify an equidae, show the date of a negative EIA test conducted on that equidae at an approved laboratory within the preceding six months, and provide the information specified below in subsections (b) and (c).

(3) “EIA test” means an equine infectious anemia test.

(b) Each equidae entering Kansas on an equine passport shall be identified by name and shall be further identified on the passport by the designation of one of the following:

(1) A description of any brands;

(2) a description of a lip tattoo;

(3) a statement that a microchip is present, with the brand name and location of the microchip written on the passport; or

(4) any alternate method of designation approved by the livestock commissioner.

(c) The following information shall appear on the equine passport:

(1) A description of the equidae that includes its age, breed, color, and sex, as well as any marks that help identify the equidae;

(2) the date of the EIA test used for validation;

(3) the type of test utilized;

(4) the test results;

(5) the name of the testing laboratory; and

(6) the laboratory accession number.

(d) Each equine passport shall be accompanied by a valid, completed “equine infectious anemia laboratory test” report on USDA veterinary services form VS 10-11T. The equidae shall be identified

on the report in the same manner as on the equine passport.

(e) In order for an equidae passport to be valid in Kansas, the veterinarian who issued the equidae passport in another state shall have verified the following:

(1) That the equidae listed on the VS 10-11T form is the same equidae listed on the equine passport, based on one of the methods of identification described in subsection (b); and

(2) that the equidae listed on the equine passport was examined on the date of issuance and found to be free from evidence of contagious, infectious, or communicable disease.

(f)(1) Each inspecting veterinarian who determines that an equidae originating in Kansas is eligible for an equine passport shall complete the passport form, including the EIA test results. The inspecting veterinarian then shall contact the department to obtain a passport certification number, validation date, and expiration date, which shall be recorded by the veterinarian on the equine passport.

(2) The white copy of the completed equine passport form and the related EIA test information for equidae originating from Kansas shall be submitted to the department within 48 hours of issuance of the passport certification number and validation date.

(3) The equidae owner shall be provided by the inspecting veterinarian with itinerary forms at the time the equine passport is issued. The itinerary forms shall be completed and returned to the department with the next application for an equine passport for that equidae. Additional equine passports shall not be issued for the identified equidae until the completed itinerary forms have been received by the department.

(g)(1) Except as provided in paragraph (g)(2), each equine passport shall remain in effect for six months from the date of the EIA test listed on the passport.

(2) Any equine passport issued in the state of Kansas may be suspended or revoked at any time due to a disease outbreak or another similar factor by the livestock commissioner. Any equidae with an equine passport issued in another state may be prohibited by the livestock commissioner from entering the state if the livestock commissioner determines that a disease outbreak or similar factor in the equidae’s state of origin warrants such an action.

(h) Equine passports shall not apply to equidae

imported into the state of Kansas for the purpose of parimutuel racing. (Authorized by K.S.A. 47-607, K.S.A. 47-607d, and K.S.A. 47-610; implementing K.S.A. 47-607 and K.S.A. 47-610; effective, T-9-5-31-01, May 31, 2001; effective March 15, 2002.)

Article 8.—LIVESTOCK FEED LOTS

9-8-1. Cleaning of premises. (1) Feed lots shall be thoroughly scraped and cleaned, and all manure removed, at least two times each calendar year, and more frequently if necessary to maintain proper standards of cleanliness and sanitation.

(2) Manure removed from a feed lot shall be disposed of in one of the following manners: (a) Hauling to and placing upon farm land, where same shall be spread out and plowed under the soil surface; (b) dehydrating by a mechanical dehydrating process; (c) depositing in lagoons or settling tanks, having such construction and size to effectuate substantial reduction by bacterial action; (d) using any other method specifically approved by the livestock sanitary commissioner. Manure removed from a feed lot may be stockpiled, and shall be moved for final disposal when conditions permit.

(3) Locations at a feed lot which might be the source of insect breeding: (a) shall be cleaned; or (b) shall be treated with approved chemicals; or (c) shall be both cleaned and treated with approved chemicals. The procedure followed shall be in such manner as to eliminate or substantially reduce the breeding of flies. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

9-8-2. Control of insects, rodents, and pests. (1) Effective chemicals, approved by the livestock sanitary commissioner, shall be used for killing of flies on and about the feed lot premises. Such chemicals shall be applied with such frequency, and with such coverage, as will eliminate or reasonably control the fly population on such premises.

(2) Effective methods, approved by the livestock sanitary commissioner, shall be used for the eradication of the rodent population. Approved formulas of gas and poisons, may be used. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

9-8-3. Location and construction of facilities. (1) Feed bunks, hay feeders, water tanks, and other permanent installations, shall be located

and constructed in such a manner as to permit adequate cleaning of premises adjacent to such permanent facilities.

(2) Weather resistant platform aprons shall be provided adjacent to all feed bunks, feeders, water tanks and other permanently affixed facilities. Such aprons shall be of concrete, blacktop, compacted gravel, crushed rock, or other approved materials. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

9-8-4. Drainage of feed lot. (1) Surfaces of feed lot pens shall be prepared and maintained at a grade or slope, and in a manner which will prevent future and eliminate present accumulations of surface waters, and which will permit and facilitate the immediate runoff of surface waters, from the feeding area.

(2) The surface waters running off, or being discharged from, the feeding area, shall be directed into storage reservoirs or settling basins, where practical and recommended, or shall be diverted and spread over fields, thus preventing the direct drainage and movement of solids being carried by water into draws, ravines, streams, and rivers. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

9-8-5. Veterinarian. A licensed veterinarian shall be available at the feed lot, or subject to call at any time. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

9-8-6. Mechanical equipment. The operator of a feed lot shall have available at his feed lot, either by ownership or by lease arrangement, necessary equipment, in good repair, which shall include the following: a bulldozer, a road grader, and a scoop or other mechanically operated equipment capable of scraping pens and loading manure. (Authorized by K.S.A. 47-1505, 47-1506; effective Jan. 1, 1966.)

Article 9.—POULTRY AND HATCHING EGGS

9-9-1. Poultry affected with, or exposed to, disease; importation prohibited. Poultry which is infected with, or which has been exposed to, pullorum disease, typhoid disease, newcastle disease, fowl plague, chronic respiratory disease, fowl cholera, infectious bronchitis, laryngotracheitis, infectious sinusitis, fowl pox, coccidiosis, ornithosis, tuberculosis, or any other infectious or contagious disease, shall not be brought, shipped,

or imported into the state of Kansas for any purpose whatsoever. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

9-9-2. Poultry for immediate slaughter; importation. Turkeys, chickens, waterfowl, and other domesticated fowl which are apparently healthy may be brought, shipped, or imported into the state of Kansas, for immediate slaughter only, without health certificates, when consigned by common carrier, or by other approved transportation, to a destination approved by the livestock sanitary commissioner of Kansas. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

9-9-3. Turkeys under four (4) months; other poultry under five (5) months; poultry hatching eggs. Turkey poult under four (4) months of age, and other poultry under five (5) months of age, and poultry hatching eggs, may be brought, shipped, or imported into Kansas, without health certificates, if such poults and poultry and eggs originate in flocks, or are distributed from hatcheries or premises: (a) where the flock owner or hatchery owner is participating in the national turkey improvement plan and the national poultry improvement plan, whichever is applicable; or (b) where the flock owner or hatchery owner is operating under supervision of a disease control agency of the state of origin and has been and is classified as U.S. pullorum-typhoid clean.

Waterfowl and waterfowl hatching eggs may be brought, shipped, or imported into Kansas, without meeting the above requirements: (a) if not consigned to, or if not delivered to, an approved national plan hatchery; or (b) if not consigned to, or if not delivered to, a hatchery handling domesticated fowl and hatching eggs. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

9-9-4. Poultry importation permits. Any person desiring to import poultry, or poultry hatching eggs, into Kansas shall not be entitled to do so, unless and until he shall have first obtained a poultry importation permit from the livestock sanitary commissioner of Kansas. Such a permit shall not be required for waterfowl or for waterfowl hatching eggs imported under provision of regulation 9-9-3. An application for such a permit shall be submitted to the livestock sanitary commissioner and shall be made only on a form approved and supplied by the livestock sanitary commissioner. Such a permit shall be issued to the applicant, by the livestock sanitary commissioner

of Kansas, or his duly authorized representative, when it has been determined: (a) That the official disease control agency of the state of origin of proposed poultry and poultry hatching egg imports, has verified the pullorum-typhoid classification of the flock, hatchery or premises, from which the birds or eggs originate; and (b) when such classification is acceptable to such Kansas official; and (c) when such additional conditions and provisions, as the livestock sanitary commissioner had deemed essential for the protection of poultry in Kansas from infectious or contagious disease, have been satisfied. Each such permit shall state a date of expiration, as of June 30 following date of issuance.

Each container in which poultry or poultry hatching eggs are transported or shipped into Kansas shall bear an official label stating: (a) The name and address of the consignor; (b) the name and address of consignee; (c) the pullorum-typhoid classification of the poultry and poultry eggs; and (d) the number of Kansas poultry import permit. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

9-9-5. Health certificates; turkeys over four (4) months and other poultry over five (5) months of age. Turkeys over four (4) months of age, and other poultry over five (5) months of age, may be brought, shipped, or imported into the state of Kansas, for purposes other than immediate slaughter: Provided, they are accompanied by an official health certificate, or a permit acceptable to livestock sanitary commissioner of Kansas, issued by the chief livestock health official of the state of origin certifying: (a) that such turkeys, and such other poultry are free from any evidence of any infectious or contagious disease; (b) that such turkeys and such other poultry have not been exposed to any such disease; and (c) that such poultry are classified as U.S. pullorum-typhoid clean. Such turkeys and other poultry may be permitted to move into the state of Kansas under quarantine. Upon arrival at the point of destination such turkeys and poultry shall be held under such quarantine, separate and apart from other poultry, until they have been tested for pullorum and typhoid diseases, and have been found negative to such diseases, and until the elapse of thirty (30) days after such importation and after such negative tests. Such turkeys and other poultry, so imported, which are tested and found to be positive to any of such diseases, shall be immedi-

ately moved under quarantine to a destination, acceptable to the livestock sanitary commissioner, for purposes of immediate slaughter. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

Article 10.—PUBLIC LIVESTOCK MARKETS

9-10-1. Requirement for sale. (a) The consignor, at the time of unloading of livestock, shall indicate to the public livestock market operator, or his representative in charge at the unloading dock, any and all known disease conditions, injuries or physical defects and the information shall be recorded on the drive-in ticket.

(b) Brucellosis reactor animals may be sold at a public livestock market, for slaughter only, and other animals approved by the veterinary inspector, may be permitted to sell within limitations otherwise authorized.

(c) Consigned livestock delivered at a public livestock market shall be inspected by the authorized veterinary inspector, and the livestock shall be tested, and shall be otherwise treated, as required by law and regulations. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; implementing K.S.A. 47-607, 47-658b and 47-1008; effective Jan. 1, 1966; amended May 1, 1982.)

9-10-2. Special sales at irregular intervals. The public livestock market operator shall be responsible for the sale, purchase, or exchange of livestock at regular or irregular intervals at the public livestock market premises, including private sales, consignment sales, and breed association sales. Livestock shall be released from the market premises, only in accordance with the Kansas laws and regulations. Laws and regulations hold the market operator responsible for sale and release of livestock even though the facilities may be rented. Veterinary inspector's presence is required. (Authorized by K.S.A. 47-610, 47-1010; implementing K.S.A. 47-607 and 47-1008; effective Jan. 1, 1966; amended May 1, 1982.)

9-10-3. Health certificates. Health certificates covering all livestock consigned to, or sold through a public livestock market shall be issued to the purchasers. Said certificates shall show the kind of inspection made, any treatment administered, the kind of vaccination administered, and the general description of the animals. Except for interstate shipments, such certificates may be in-

corporated in the account of sale. Acceptance of livestock by purchaser of the animals covered by such certificates, shall complete the sale.

In handling livestock for interstate movement, the veterinary inspector is directed to make inspection and tests necessary, and to issue a health certificate which meets the requirements of the state of destination.

Two copies of the health certificate, covering all interstate shipments, shall be sent to the livestock sanitary commissioner, Topeka, Kansas. (Authorized by K.S.A. 47-610; effective Jan. 1, 1966.)

9-10-4. General inspection. All livestock, including poultry, when delivered to a public livestock market, whether held in outside pens, yards, sheds, barns, vehicles, crates or coops (whether loaded on vehicles or unloaded) or other places on such market premises, shall be inspected, and shall not be offered for sale, sold or exchanged until inspected, passed and released by the veterinary inspector.

Public livestock market operators may be required to report weekly to the livestock sanitary commissioner the number and kind of livestock received from out of state, the name and address of each consignor, and the number or location of the port of entry through which the livestock entered this state. (Authorized by K.S.A. 47-607a, 47-610, K.S.A. 1965 Supp. 47-607; effective Jan. 1, 1966.)

9-10-5. Inspection of cattle. (1) General: All cattle and calves shall be given an inspection for detection of any communicable, infectious and contagious disease. Cattle showing evidence of lump jaw (actinomycosis) or cancer-eye (carcinoma) in the advanced stages, that in the judgment of the veterinary inspector will not respond to treatment, shall not be sold at any public livestock market, except for immediate slaughter, and then only to an establishment where federal inspection is maintained.

(2) Scabies: Veterinary inspectors shall use particular care in making examination to detect scabies infestation. If cattle are found to be infested with scabies, the veterinary inspector shall quarantine the animals, and shall promptly notify the livestock commissioner of such quarantine. (Authorized by K.S.A. 47-610, 47-1009, K.S.A. 1970 Supp. 47-1010; effective Jan. 1, 1966; amended, E-70-40, Aug. 19, 1970; amended Jan. 1, 1971.)

9-10-6. (Authorized by K.S.A. 47-610, K.S.A. 1970 Supp. 47-1010; effective Jan. 1, 1966; revoked, E-70-40, Aug. 19, 1970; revoked Jan. 1, 1971.)

9-10-7. Inspection of sheep and goats. All sheep and goats shall be given an inspection for communicable, contagious or infectious diseases. Veterinary inspectors shall use particular care in making examination to detect scabies infestation. If sheep or goats are found to be infested with scabies, the veterinary inspector shall quarantine the animals, and shall promptly notify the livestock sanitary commissioner.

The livestock sanitary commissioner may direct operators of public livestock markets to dip, with approved solution, all sheep and goats which are offered for sale or sold. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

9-10-8. Inspection of swine. (a) Feeder swine, of Kansas origin, shall not be eligible to sell at a public livestock market, unless they have been maintained on Kansas premises for at least thirty (30) days; and

(1) have been held separately and apart from other swine; or

(2) have been raised on that farm.

(b) Out-of-state swine are not eligible to sell except as otherwise provided by regulations. If, after swine are unloaded at the public livestock market premises, it is determined that such swine

(1) are from another livestock market; or

(2) are from another state; or

(3) are for any other reason not eligible to sell, then neither the consignor, nor the person in charge of such livestock, shall be permitted to reload such livestock, or to move such swine from the public livestock market premises. All such swine shall be placed under quarantine by the veterinary inspector and shall be held in the quarantine pens at the public livestock market premises until officially released. The livestock commissioner, or his representative, shall be notified of issuance of any such quarantine.

(c) The drive-in ticket, which shall be completed at the unloading dock at each public livestock market, shall contain the following information:

(1) The name and address of the consignor; the name and address of the driver of the vehicle (the sale operator shall be responsible for the accuracy of such names and addresses; he shall check the

driver's license, record the number of such driver's license);

(2) the place of origin of the swine; this shall be specific as to the address where the swine were originally loaded. If the consignor, or his agent, refuses to give complete information as to the origin of the swine, and as otherwise required, the swine shall not be eligible to sell, and shall be quarantined on the premises of the public livestock market;

(3) the make or manufacturer of the delivering vehicle;

(4) the registration or license number of delivering vehicle; the state of issuance, and year of issuance, of the registration or license tag shall be shown;

(5) the consignor of swine, or his agent, shall sign the drive-in or dock record.

(d) Sows, boars and stags sold for slaughter shall be tattooed on the shoulder with the national market swine identification coded tattoo or identified by eartag and such tattoo number or eartag number shall be recorded on the drive-in ticket or scale ticket. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; effective Jan. 1, 1966; amended Jan. 1, 1974; amended May 1, 1980.)

9-10-9. Restrictions on sale of swine. (1) Out-of-state swine are not eligible to sell at a public livestock market except for slaughter, unless such swine are consigned direct by a producer in a recognized trade territory.

(2) Feeder swine are not eligible to sell in Kansas at any public livestock market or other sale, unless such swine shall have been produced and moved directly from a healthy herd, from a Kansas farm, or unless such swine shall have been maintained on a Kansas farm, or on Kansas premises, for at least 30 days, and shall have been held separately and apart from other swine. Swine originating on said Kansas premises, shall have a history and record of being free from any and all diseases, and free from exposure to disease, and meet other requirements, before such swine shall be salable.

Feeder swine shall not be offered for sale, sold or exchanged, at a public livestock market, until they have been inspected and passed by the veterinary inspector; nor may such swine be released from such market premises except as provided by law and regulations, and then only under quarantine to be held at a destination on Kansas premises, giving detailed location, with provision for

such swine to be checked by Kansas officials, until subsequently released.

Feeder swine shall not be offered for sale, sold or exchanged, until all drive-in and dock records, and other required information, are secured by the public livestock market operator. Such operator shall not permit any such swine to be sold under name of a consignor using an alias name. (Authorized by K.S.A. 47-610, 47-1009, 47-1010; effective Jan. 1, 1966; amended, E-70-40, Aug. 19, 1970; amended Jan. 1, 1971; amended Jan. 1, 1974.)

9-10-10. Swine. Release and quarantine of feeding and breeding swine from a public livestock market shall be in accordance with the following:

(1) Identification of swine. Swine shall be identified by the market veterinary inspector, at the time of inspection, by paint, paint stick or a permanent-type dye mark applied on top of shoulders, before such swine are released from such market premises.

(2) Removal from public livestock market premises. Breeding and feeding swine shall not be sold or removed from public livestock market premises, until inspected and marked by the veterinary inspector; swine shall be released to purchaser's premises under quarantine for 30 days. Owners shall be furnished a buyer's sheet by the market operator, which shall be stamped with the official quarantine notice.

(3) Interstate movement of swine. Swine being moved from public livestock market premises, to an out-of-state destination, shall meet the federal interstate requirements and the requirements of the state of destination. (Authorized by K.S.A. 47-610, K.S.A. 1971 Supp. 47-1010; effective Jan. 1, 1966; amended Jan. 1, 1968; amended Jan. 1, 1970; amended, E-71-19, July 1, 1971; amended Jan. 1, 1972.)

9-10-11 to 9-10-13. (Authorized by K.S.A. 47-610, K.S.A. 1969 Supp. 47-1010; effective Jan. 1, 1966; revoked Jan. 1, 1970.)

9-10-14. Poultry. Chickens, turkeys, ducks, geese, pigeons, and other poultry shall be given an inspection for communicable, infectious, or contagious diseases, before being offered for sale, sold, or exchanged at a public livestock market.

When poultry is sold as "chicks" this regulation

shall mean any domestic fowl under the age of six weeks.

Each box, crate, coop or other container, holding chicks, shall be plainly labeled with the name of seller and description of contents. Such description of contents shall include name of the breed and of the variety. Additional labeling requirements shall include a guarantee of sex on sexed chicks, the date of the hatch, the number of chicks in the container, and the pullorum classification of such chicks.

An inspection fee of one cent per bird shall be collected from the consignor, by the public livestock market operator, which fee shall be paid to the veterinary inspector for inspections made on poultry. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

9-10-15. Quarantine of diseased and exposed animals. When livestock, including poultry, is offered for sale, and the veterinary inspector finds evidence of such animals being infected with any contagious or infectious disease, by temperature or other clinical symptoms, or finds same evidence of such animals being exposed to any such disease, the veterinary inspector shall place the entire consignment of such livestock under quarantine, and shall promptly notify the public livestock market operator, of his action. The public livestock market shall then notify the consignor of such livestock of the infected or exposed animals, which have been placed under such quarantine.

When the veterinary inspector is satisfied that such consignor is prepared to, and is agreeable to holding such animals under quarantine on his own premises, he may permit same to be moved to said premises. When the veterinary inspector is not satisfied that such consignor can comply with the requirements of the quarantine, then the infected or exposed animals shall be placed in quarantine pens provided by the public livestock market operator. If a veterinary inspector finds that livestock consigned to his public livestock market, originated outside the state of Kansas and had not entered the state in line with Kansas requirements, he shall hold such livestock under quarantine in the quarantine pens provided by the public livestock market operator. It shall be the duty of the public livestock market operator to feed, water, and shelter all animals placed under official quarantine on his public livestock market premises.

After the veterinary inspector has diagnosed the disease, with which the animals, including poultry,

are infected, or to which they have been exposed, he shall prescribe and administer the necessary medicine, vaccine or serum, and shall submit a statement of the cost of such service, together with the cost of feed, water and care, and such amount shall be charged to the owner or consignor. When livestock is rejected for sale purposes, as provided in this regulation, the veterinary inspector shall issue an official quarantine notice to the consignor covering all livestock in the consignment. The quarantine notice shall be made in triplicate, and the original shall be given to the consignor, the first copy shall be forwarded to the livestock sanitary commissioner at Topeka, Kansas, and the second copy shall be retained by the veterinary inspector. Said quarantine shall be effective for twenty-one days, or until released by the livestock sanitary commissioner, or his authorized representative. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

9-10-16. Limitation on sale of injured or physically defective livestock. The veterinary inspector shall have authority to prevent the sale of livestock which are found to have physical defects, produced by injury or disease. In the event that such animals are permitted to be sold, the veterinary inspector's certificate shall state such physical defects or injuries, and the public livestock market operator, or his representative, shall announce such conditions as are shown on the veterinarian's certificate to the prospective purchasers, before such animals are offered for sale. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

9-10-17. Yard facilities. Facilities used for handling, penning or loading livestock shall be constructed in such a manner as will prevent physical injury to persons and livestock.

Floors of pens in which swine are held, floors of alleyways used in the moving of swine, and the floors of pens used for holding small calves, shall be of concrete or of some approved impervious material. Such floors shall be so constructed that they may be properly washed, cleaned, drained and disinfected. This requirement does not apply to pens in which fat hogs are held after being sold for slaughter purposes. Cattle pens shall be so constructed, and of such material, as will permit proper drainage, and such pens shall be cleaned and disinfected within 24 hours after each sale day. Facilities for handling livestock on public

livestock market premises shall be kept clean at all times. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

9-10-18. Limitation on use of public livestock market premises. The pens, yards, alleys and sale ring shall not be used for feeding, holding, trading, or assembling livestock, except twenty-four hours before or twenty-four hours after any sale day: *Provided*, This regulation shall not apply to quarantine pens. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

9-10-19. Disinfection of public livestock market premises and vehicles. Pens, and other public livestock market facilities, and trucks and other vehicles used to transport or confine livestock, found to be infected with or exposed to a contagious or infectious disease, shall be washed, cleaned, and disinfected with an approved disinfectant after each sale day, the same to be performed under the supervision of the veterinary inspector. Expenses incurred in the cleaning and disinfecting of pens and other public livestock market facilities shall be paid by the public livestock market operator. Expenses incurred in the cleaning and disinfecting of trucks, cars, or other vehicles used to transport or confine diseased or exposed livestock shall be paid by owner or operator of such equipment. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

9-10-20. (Authorized by K.S.A. 47-610, K.S.A. 1971 Supp. 47-1010; effective Jan. 1, 1966; revoked, E-71-19, July 1, 1971; revoked Jan. 1, 1972.)

9-10-21. Quarantine pens and facilities. Each operator of a public livestock market shall provide and maintain adequate quarantine pens, separate and apart from such market pens as are regularly used to pen livestock consigned for sale. These quarantine pens shall be of ample size, and have sufficient shed coverage and room to provide shelter for any diseased livestock. Proper feeding and watering facilities shall be provided for, and in such pens. Designated quarantine pens shall be under the direct supervision of the veterinary inspector, and such pens shall be locked at all times, except for authorized movement of livestock into and out of same. (Authorized by K.S.A. 47-610, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

9-10-22. (Authorized by K.S.A. 47-610, 47-1009, K.S.A. 1970 Supp. 47-1010; effective Jan. 1, 1966; revoked, E-70-40, Aug. 19, 1970; revoked Jan. 1, 1971.)

9-10-22a. Veterinary testing fees. (a) Fees shall be collected by the public livestock market operator for blood testing of livestock for brucellosis detection. Brucellosis testing shall include the following services:

- (1) Collecting the blood sample from the animal;
- (2) Making the agglutination test;
- (3) Recording of tests on official test chart and on official health certificate when such certificate is required;
- (4) Issuing of public livestock market shipping permits; and
- (5) Issuing test cards on tested animals released for a Kansas destination.

(b) Charges for swine identification with eartag: Charges may be made by the veterinary inspector for the identification of swine with eartags when such identification is required to meet state regulations or federal interstate regulations.

Charges for such required eartag identification shall be collected by the market operator and paid to the veterinary inspector.

The charges shall be collected from the buyer, except on swine being returned home under quarantine, as required in K.A.R. 9-10-30, and then the charge shall be collected from the consignor. (Authorized by K.S.A. 47-610, 47-1008, 47-1009, 47-1010; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended, E-71-19, July 1, 1971; amended Jan. 1, 1972; amended Jan. 1, 1974; amended May 1, 1980.)

9-10-23. Regulatory fees. A regulatory fee of one cent per bird on all poultry over ten days old, and twenty-five cents per hundred, or a fraction thereof, on all poultry ten days old or under shall be collected by the operator of a public livestock market, from the consignor of all consigned poultry, which amounts shall be paid to the livestock sanitary commissioner.

When sow and suckling pigs, cow and suckling calf, mare and suckling colt, or ewe and suckling lamb, are offered for sale and sold as a unit, only one inspection fee, and one regulatory fee, shall be collected from the consignor for each such unit.

Inspection fees and regulatory fees shall be shown on the consignor's invoice as separate

items, and such items shall not be included with charges made by the operator for yardage, insurance, or other items. (Authorized by K.S.A. 47-610, 47-1011, K.S.A. 1965 Supp. 47-1010; effective Jan. 1, 1966.)

9-10-24. (Authorized by K.S.A. 47-657, 47-658a, 47-610, 47-1004; effective Jan. 1, 1969; revoked, E-70-40, Aug. 19, 1970; revoked Jan. 1, 1971.)

9-10-24a. Backtagging procedures at public livestock markets. (a) Heifers, cows, and bulls over test-eligible age shall be tagged with the uniform backtag. This includes animals from other states, as well as from Kansas origin. The owner's name, at the point of origin (farm location), shall be shown on the record sheet for the animals which are backtagged. If the owner's name, as defined here, cannot be determined, then the seller's name may be shown.

(b) The backtags, glue, and other adhesives shall be furnished to the public livestock market operators at federal or state expense. Backtags shall be applied by personnel of the public livestock market operator under the supervision of the market veterinarian or the market manager. The public livestock market operator shall be reimbursed for personnel services in applying the backtags on the basis of fifteen cents (15¢) per head for each animal backtagged when authorized by the livestock commissioner.

(c) The person doing the backtagging shall keep a record showing the tag number used, the name and address of the owner of the animal, and the county of origin for the animal backtagged. A copy of this record shall be forwarded to the Kansas animal health department when a sheet covering the listed backtag number is completed.

(d) A backtag shall be applied on each animal, just behind the shoulder and below the mid line of the back; not on hip.

(e) The backtag on animals sold for slaughter without a test shall not be removed until time of slaughter.

(f) Backtagged animals which are bled at markets shall have the backtag sprayed with yellow transparent lacquer. This lacquer will be furnished by the Kansas animal health department. The backtag shall remain on the animal and will help serve as rapid identification should the animal be moved to another market or should there be any reason for trace back.

(g) Any unauthorized removal of a backtag

from cows, which are moved for slaughter, shall be reported to the livestock commissioner of Kansas or his authorized representative. The buyer of the animals may be denied a release of backtagged cattle for any purpose, unless the backtagged animal has been tested before removal from the market. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; implementing K.S.A. 47-658a and 47-1008; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1982.)

9-10-25. (Authorized by K.S.A. 47-657, 47-658a, 47-610, 47-1004; effective Jan. 1, 1969; revoked, E-70-40, Aug. 19, 1970; revoked Jan. 1, 1971.)

9-10-25a. Procedures for use of testing forms, blood samples; payment to market veterinarian for testing. (a) The special market brucellosis test chart shall be used at all markets. When completed, all copies, together with blood samples, shall be forwarded immediately to the state-federal laboratory.

(b) The market veterinarian shall show on the test chart the eartag number, the backtag number, the age, the sex, and the breed of each animal, together with the test results, and the name and address of the seller (NOT the buyer), and the county from which the animal was moved to the market. (This can be obtained from the backtag record sheet.)

(c) The brucellosis testing service of the veterinary inspector shall include the collection of the blood sample; the completion of the agglutination test; the completion of the forms supplied; the forwarding of blood samples and test charts to the state-federal laboratory; the tagging and branding of reactors; the issuing of shipping permits on reactors and suspects; and the issuing of test cards on tested animals released to be moved to a Kansas destination.

(d) Fees for brucellosis testing by the market veterinary inspector shall be collected by the public livestock market operator and shall be paid by him to the veterinary inspector. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004, 47-1008; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974.)

9-10-26. (Authorized by K.S.A. 47-657, 47-658a, 47-610, 47-1004; effective Jan. 1, 1969; revoked, E-70-40, Aug. 19, 1970; revoked Jan. 1, 1971.)

9-10-26a. Brucellosis testing procedures and status determination for cattle; handling of exposed cattle. (a) Testing procedures. (1) Backtagged animals, cows, heifers, and bulls of test-eligible age and from non-quarantined herds shall be tested for brucellosis before being released from the market, unless they:

(A) Have a negative brucellosis test within thirty (30) days of sale;

(B) Are from a certified brucellosis-free herd;

(C) Are "S" branded because they originated from a quarantined herd or a licensed feed lot; or

(D) Originated from a Class C state or a state designated by the livestock commissioner as having a high incidence of brucellosis.

(2) Animals shall be tested for brucellosis before the sale, or shall be sold subject to test when they are received at the market too late to be tested before being sold.

(3) Brucellosis reactors found at the market and all brucellosis exposed animals in the consignment shall revert back to the consignor of the cattle. All reactors shall be tagged and branded and sold for slaughter.

(b) Handling of exposed cattle. When brucellosis reactors are found in tested cattle, the remainder of any consignment of cattle, classified as exposed, shall be:

(1) Quarantined by the market veterinarian to the original owner until the cattle have passed two (2) clean tests—the first not earlier than thirty (30) days from date reactors were removed, the second test not earlier than ninety (90) days from date of first test;

(2) Sold for slaughter by being "S" branded and identified on an official shipping permit issued by the market veterinarian; or

(3) Moved to a Kansas licensed feed lot, "S" branded and identified on an official shipping permit. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; implementing K.S.A. 47-658a and 47-1007; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974; amended May 1, 1982.)

9-10-27. (Authorized by K.S.A. 47-657, 47-658a, 47-610, 47-1004; effective Jan. 1, 1969; revoked, E-70-40, Aug. 19, 1970; revoked Jan. 1, 1971.)

9-10-27a. Procedures for handling brucellosis reactors and suspects. 1. Reactors. When reactors are found in animals tested, the reactor animals shall be tagged and branded, and

indemnity papers shall be completed by the market veterinarian. The owner (seller or consignor) shall be eligible to collect indemnity (1) if subsequent testing procedures are followed for the remainder of the herd of origin, and (2) if all other requirements are met.

2. Suspects. When one or more suspects are found in the brucellosis test and no reactors are found, the suspects may be (1) quarantined to the owner for a 30 to 60 day brucellosis test at the owner's expense, or (2) sold for slaughter and released on a shipping permit. (Authorized by K.S.A. 47-610, 47-657, 47-658a, 47-1004; effective, E-70-40, Aug. 19, 1970; effective Jan. 1, 1971; amended Jan. 1, 1974.)

9-10-28. (Authorized by K.S.A. 47-657, 47-658a, 47-610, 47-1004; effective Jan. 1, 1969; revoked, E-70-40, Aug. 19, 1970; revoked Jan. 1, 1971.)

9-10-29. (Authorized by K.S.A. 47-610, K.S.A. 1971 Supp. 47-1010; effective Jan. 1, 1970; revoked, E-71-19, July 1, 1971; revoked Jan. 1, 1972.)

9-10-30. Swine rejected by the veterinary inspector. Swine rejected by the veterinary inspector for regular sale purposes may be released to be (1) returned to the farm of origin under quarantine, until released by the livestock commissioner or sold for slaughter; or (2) shipped direct to slaughter on an official shipping permit. Such swine must be identified by the veterinary inspector by an eartag and with a paint mark applied on top of the shoulders. The eartag number shall be shown on the quarantine or shipping permit issued by the veterinary inspector.

Any inspection and release of these swine by the livestock commissioner, or his authorized representative, shall be only upon request by the owner and, in no case, shall they be released in less than thirty (30) days following the return of the swine to the farm of origin. (Authorized by K.S.A. 47-610, K.S.A. 1971 Supp. 47-1010; effective, E-71-19, July 1, 1971; effective Jan. 1, 1972.)

9-10-31. Occasional livestock sale fees. The annual fee for an occasional livestock sales license shall be as follows:

(a) 1-2 sales per year	\$25.00
(b) 3-5 sales per year	\$50.00
(c) 6-9 sales per year	\$75.00
(d) 10-12 sales per year	\$100.00

(Authorized by and implementing K.S.A. 47-

1001d, as amended by 1996 S.B. 659, § 2; effective T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-10-32. Exemption from occasional livestock sale requirements. Occasional livestock sales held in conjunction with a county, district, regional, or state exhibition for junior exhibitors shall not be required to apply for or obtain an occasional livestock sale license. (Authorized by and implementing K.S.A. 47-1001d, as amended by 1996 S.B. 659, § 2; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-10-33. Livestock injured, disabled or unfit for sale. Definitions. As used in this act, these definitions shall apply.

(a) "Actinomycosis" means the disease commonly known as lump jaw.

(b) "Livestock" or "animal" means animals as defined by K.S.A. 1996 Supp. 47-1001(b), and amendments thereto.

(c) "Commissioner" means the Kansas livestock commissioner or a designated employee of the Kansas animal health department, or a designated employee of the United States department of agriculture veterinary services.

(d) "Department" means the Kansas animal health department.

(e) "Euthanasia" or "euthanize" refers to accomplishing the humane death of an animal by a method appropriate for the species and the location.

(f) "Metastatic" or "metastasis" means the invasion or infiltration of other structures or tissue by a neoplasm.

(g) "Neoplasia," "neoplasm," or "neoplastic" means new, abnormal tissue growth deleterious to the animal's health. Tumors and cancer are neoplasias.

(h) "Nonambulatory" means that the animal is unable to rise to its feet and walk with minimal stimulus.

(i) "Owner" means the actual owner of the livestock or the person who consigned the livestock for sale, or the owner's or consignor's agent.

(j) "Urinary calculi" means the condition commonly known as water belly.

(k) "Market veterinarian" means an accredited veterinarian licensed to practice in Kansas and appointed by the commissioner to perform the duties of a veterinarian at a specific livestock market. (Authorized by and implementing K.S.A. 1996

Supp. 47-1008, as amended by L. 1997, Ch. 19, Sec. 2; effective April 3, 1998.)

9-10-33a. Electronic auctions. (a) As part of the application for an electronic auction license, each owner or operator of an electronic auction that is simulcast into the state of Kansas and at which livestock located in the state of Kansas are offered for sale shall pay a license application fee to the livestock commissioner in the amount of \$40.00. The owner or operator shall pay an annual license renewal fee of \$40.00 before June 30 of each year.

(b) The electronic auction operator shall collect from each consignor of livestock at the electronic auction a fee of \$.15 per head of livestock sold at the electronic auction if the livestock are located in the state of Kansas. The electronic auction operator shall remit these fees to the commissioner in accordance with K.S.A. 47-1011, and amendments thereto.

(c) The costs associated with issuance of the health certificate required under K.S.A. 47-1008, and amendments thereto, shall be paid by the consignor. Each of these health certificates shall meet the requirements of K.A.R. 9-10-3. (Authorized by and implementing K.S.A. 47-1001e, as amended by L. 2000, Ch. 111, §7, K.S.A. 47-1008, as amended by L. 2000, Ch. 111, §8, and K.S.A. 47-1011, as amended by L. 2000, Ch. 111, §9; effective, T-9-8-29-00, Aug. 29, 2000; effective Dec. 29, 2000.)

9-10-34. Notice. (a) Every operator of a public livestock market in Kansas shall post and maintain signs at the livestock market that state the following notice specified in subsection (b). Such signs shall be placed in a clearly visible location at the check-in dock, in the sale ring, and in the market office area available for public access. The notice specified in subsection (b) shall appear on the sign in black letters, and each letter shall be a minimum of one inch in height.

(b) The signs required in subsection (a) shall contain the following notice:

NOTICE

To: All livestock owners, consignors, or agents. Any animal that is injured, disabled, or deemed unfit for sale shall be examined by the market veterinarian. After examination of the animal, the market veterinarian has sole discretion to determine whether the animal will be sold, removed from the livestock market, or euthanized in ac-

cordance with K.S.A. 1996 Supp. 47-1008, and amendments thereto.

A copy of the statute and its regulations is available at the market office or from the Kansas Animal Health Department, 708 S.W. Jackson, Topeka, Kansas 66603. The statute and regulations are enforced by the Kansas Livestock Commissioner and not the livestock market.

(c) By consigning the animal to a public livestock market, the owner, consignor or agent consents to the following:

- (1) to have the animal examined;
- (2) to abide by the market veterinarian's determination of the disposition of the animal;
- (3) to pay any cost incurred for the removal of the animal from the livestock market; and
- (4) to pay any costs incurred for euthanasia and disposal of the animal. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

9-10-35. Procedures. (a) Each animal presented to the livestock market for public sale shall be inspected by the market veterinarian.

(b) Veterinary inspection shall occur before sale, with a determination made by the market veterinarian as to whether or not the animal presented possesses any of the diseases or injuries specified in K.A.R. 9-10-36 or K.A.R. 9-10-37.

(c) After examination of the animal, the market veterinarian shall have sole discretion to determine whether the animal will be sold, removed from the livestock market, or euthanized in accordance with K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2 and amendments thereto.

(d) If the market veterinarian determines that a disease or injury identified in K.A.R. 9-10-36 or K.A.R. 9-10-37 exists, the market veterinarian shall make a reasonable effort to contact the owner by phone or in person to discuss the disposition of the animal.

(e) Within 12 hours after notification, the owner may remove from the livestock market any animal identified by the market veterinarian pursuant to K.A.R. 9-10-36 and K.A.R. 9-10-37 or may direct the market veterinarian to euthanize this animal.

(f) Animals deemed not fit for sale and removed live from the market shall be accompanied by a United States department of agriculture VS1-27 form.

(g) If the market veterinarian is unsuccessful in contacting the owner, the market veterinarian shall have sole discretion in determining whether or not the animal identified pursuant to K.A.R. 9-10-36 and K.A.R. 9-10-37 should be euthanized to prevent further pain or suffering.

(h) Any animal identified by the market veterinarian pursuant to K.A.R. 9-10-36 and K.A.R. 9-10-37 that is not removed from the livestock market 14 hours after the initial veterinary inspection may be euthanized, at the sole discretion of the market veterinarian.

(i) All costs associated with removal or euthanasia of the animal shall be paid by the owner. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

9-10-36. Diseases or conditions that shall render livestock unfit for sale at public livestock markets. The following diseases or conditions shall render an animal unfit for sale at a public livestock market:

(a) Ocular neoplasia, which is commonly known as "cancer eye," unless the neoplastic lesions show no signs of metastasis and have not destroyed the eye or the eyelid. Livestock with cancer eye will be deemed unfit for sale if any of these conditions is met:

(1) the neoplastic lesions affect the eye, eyelids, or both and have destroyed the affected organ to the point that the affected area cannot be surgically removed;

(2) the neoplastic lesions show signs of local metastatic invasion from the primary site to the bone of the orbit; or

(3) there are marked signs of swelling, discoloration, draining necrotic lesions, deformation of tissue, or odor;

(b) any animal displaying other forms of neoplasia, regardless of tissue origin, which exhibit significant involvement, including swelling, discoloration, draining necrotic lesions, tissue deformation, or odor;

(c) any disease process, including actinomycosis, pneumonia, and urinary calculi, that, in the judgment of the market veterinarian, is unlikely to respond to treatment and has resulted in emaciation of the animal; and

(d) any disease process that has resulted in the presentation of a nonambulatory animal. (Authorized by and implementing K.S.A. 1996 Supp. 47-

1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

9-10-37. Injuries that shall render livestock unfit for sale at public livestock markets. Injuries rendering livestock unfit for sale at public markets shall include any of the following:

(a) A fracture of the long bone, open fractures, or other fractures or dislocations of a joint that render the animal unable to bear weight on the affected limb without that limb collapsing;

(b) any injury that has not responded to treatment and has resulted in emaciation of the animal; or

(c) any injury resulting in the presentation of a nonambulatory animal. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

9-10-38. Euthanasia. (a) Euthanasia shall be accomplished by or under the direction of the public market veterinarian.

(b) The cost of the euthanasia shall be posted at the livestock market and the commissioner notified of the cost at each market. The cost of euthanasia shall be paid by the owner.

(c) For each animal euthanized in accordance with K.A.R. 9-10-34 through K.A.R. 9-10-38, the market veterinarian shall provide written notice to the owner of the animal, indicating the reason for the euthanasia and the cost of the euthanasia. A copy of this notice shall be sent to the commissioner. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

9-10-39. Disposal of euthanized carcasses. (a) The owner may request the return of the carcass and may retrieve the carcass within six hours after euthanasia occurs.

(b) If the owner does not retrieve the carcass within six hours after euthanasia, the carcass shall be disposed of pursuant to K.S.A. 1996 Supp. 47-1219, and amendments thereto. Any disposal fee shall be paid by the owner. (Authorized by and implementing K.S.A. 1996 Supp. 47-1008, as amended by L. 1997, Ch. 129, Sec. 2; effective April 3, 1998.)

Article 11.—TUBERCULOSIS

9-11-1 and 9-11-2. (Authorized by K.S.A. 47-608, 47-610, and 47-631; effective Jan. 1, 1966;

revoked, T-86-11, May 1, 1985; revoked May 1, 1986.)

9-11-3. (Authorized by K.S.A. 47-608, 47-610, 47-631; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked, T-86-11, May 1, 1985; revoked May 1, 1986.)

9-11-4. (Authorized by K.S.A. 47-608, 47-610, 47-631; effective Jan. 1, 1966; revoked, T-86-11, May 1, 1985; revoked May 1, 1986.)

9-11-5. (Authorized by K.S.A. 47-608, 47-610, 47-631; effective Jan. 1, 1966; amended Jan. 1, 1974; revoked, T-86-11, May 1, 1985; revoked May 1, 1986.)

9-11-6 to 9-11-9. (Authorized by K.S.A. 47-608, 47-610, 47-631; effective Jan. 1, 1966; revoked, T-86-11, May 1, 1985; revoked May 1, 1986.)

9-11-10. Tuberculosis: uniform methods and rules. "Bovine tuberculosis eradication: uniform methods and rules," adopted and approved by the United States department of agriculture, animal and plant health inspection service, veterinary services, effective January 1, 2005, is hereby adopted by reference. (Authorized by K.S.A. 47-610 and 47-631; implementing K.S.A. 47-608, 47-610, and 47-631; effective, T-86-11, May 1, 1985; effective May 1, 1986; amended Jan. 23, 1998; amended, T-9-2-18-05, Feb. 18, 2005; amended June 10, 2005.)

Article 12.—SWINE, SPECIFIC PATHOGEN FREE REGULATIONS

9-12-1. Definitions. (a) SPF—Specific Pathogen Free—Means swine which are free of certain specific diseases. SPF swine shall be free from virus pig pneumonia, infectious atrophic rhinitis, external parasites, vibrio coli dysentery, and any other disease or condition spread by direct contact.

(b) Licensed laboratory. A licensed laboratory shall be licensed under a patent held by the university of Minnesota and shall be in good standing with the national swine repopulation association.

(c) Primary SPF herd. A primary herd means a closed swine herd that originates solely from a licensed laboratory. Any additions to this herd must be laboratory swine from a licensed laboratory. The exchange of male stock between primary herds may be permitted, if completed under the supervision of a licensed veterinarian.

(d) Secondary SPF herd. A secondary SPF herd means a closed swine herd which originates from a licensed laboratory, primary SPF herd, or a secondary SPF herd. Any additions to a secondary herd must be from an accredited SPF herd. All swine added to the herd must be accompanied by individual SPF accreditation certificates issued by the national SPF swine accrediting agency, incorporated.

(e) Accredited SPF herd. An accredited SPF herd means a swine herd which has met all the standards for health, as determined by records, observation on the farm, and inspection at slaughter. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

9-12-2. Laboratory SPF swine. Laboratory SPF pigs shall be derived only as follows:

(a) By the conventional hysterectomy procedure;

(b) By laparotomy or caesarian section, in which:

(1) There is accepted practice of strict surgical asepsis; and

(2) This pig's first breath is taken in an area protected from the expired area of the non-SPF dam. The latter may be accomplished by:

(A) Passing the pig from the uterus into a separate room with a separate air supply;

(B) Passing the pig from the uterus through a disinfectant water lock into a receptacle; or

(C) The closed method which is the removal of the uterus and placing same in a sterile receptacle, where the pigs are removed. (Authorized by K.S.A. 47-670; implementing K.S.A. 47-669; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969; amended May 1, 1982.)

9-12-3. Licensed laboratory approval. A licensed laboratory for the production of SPF pigs shall be inspected and approved periodically by the national SPF advisory committee, and shall be on record with the national swine repopulation association as having been so approved. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

9-12-4. Slaughter examinations. A minimum of two examinations each year, showing negative results for virus pig pneumonia and atrophic rhinitis, shall be required for pigs farrowed on a farm, in order to maintain SPF accreditation status. The examinations shall be conducted by a

pathologist designated by the livestock sanitary commissioner.

Permission may be granted by the livestock sanitary commissioner or his authorized representative for an annual slaughter examination when the owner is farrowing only once each year. The slaughter examination shall consist of a minimum of seven animals per inspection; provided, that in small herds, a lesser number may be submitted for slaughter examination. Specific permission for slaughter examination for a lesser number shall be required from the livestock sanitary commissioner of Kansas, or his authorized representative.

One slaughter inspection showing negative results, shall be considered as a qualifying inspection for SPF accreditation; provided such pigs are those actually farrowed on the farm. Slaughter inspection dates and locations shall be designated by the livestock sanitary commissioner of Kansas, or his authorized representative. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

9-12-5. Health inspections. All health and disease inspections shall be made by a licensed accredited veterinarian before accreditation for the swine herd, is issued. If, after this inspection, gross evidence of disease is established, further laboratory analysis shall be made before the swine herd can be accredited.

Health and disease inspection reports shall be filed in the office of the livestock sanitary commissioner of Kansas, or his representative, on a quarterly basis.

All veterinarian visits and contacts with swine herds on the farm, during the quarterly periods, between required reports, shall be reported in the current quarterly report, including complete diagnostic reports. Due date for the required quarterly reports shall be for the period ending on January 10, April 10, July 10, or October 10, of each year. A producer member delinquent in his reports or inspections, for longer than three months after report due date, shall have his accreditation suspended by the livestock sanitary commissioner of Kansas; provided, he shall have been first duly notified by such commissioner, or his authorized representative. He may have his accreditation renewed when his required reports and inspections are brought to date. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

9-12-6. Parasites. External parasites in a

Specific Pathogen Free swine herd will be cause for suspending accreditation status until the parasitic condition is eliminated. Reinstatement shall be subject to regulation 9-12-8. (Authorized by K.S.A. 47-670; implementing K.S.A. 47-669; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969; amended May 1, 1982.)

9-12-7. Herd validation. The SPF swine herd shall be validated as brucellosis-free, according to existing state-federal brucellosis regulations. (Authorized by K.S.A. 1968 Supp. 47-670; effective Jan. 1, 1969.)

9-12-8. Accreditation suspension or termination. A positive diagnosis of atrophic rhinitis, virus pig pneumonia, or vibrio coli dysentery, shall be cause for disqualification of SPF swine herd accreditation. The presence of any other disease may cause temporary suspension of such accreditation, for a minimum of 30 days after the disease is eliminated, and until the livestock sanitary commissioner of Kansas has passed favorably on the herd. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

9-12-9. Accreditation status. The status of SPF swine herd accreditation or reaccreditation shall be determined by the livestock sanitary commissioner of Kansas or his authorized representative. In instances of problems, a committee made up of one state veterinarian, one extension veterinarian, and one veterinarian from the Kansas state university diagnostic laboratory, shall determine favorably the health of the swine herd for accreditation. A copy of the committee determination and recommendation shall be submitted to the livestock sanitary commissioner of Kansas and to the national association. The livestock sanitary commissioner shall then rule on the accreditation status of the herd. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

9-12-10. Inspection personnel. All inspections, reports, tests, vaccinations, surgical procedures, accreditation, reaccreditation, or any other methods or procedures necessary to accredit, and maintain accreditation of, SPF swine herds, shall be done by a veterinarian, or by some other appropriate individual who shall not have any financial interest in the swine herd involved; except when special permission to perform any of these acts is granted by the livestock sanitary com-

missioner or his authorized representative. (Authorized by K.S.A. 1968 Supp. 47-670; effective, E-68-24, Aug. 9, 1968; effective Jan. 1, 1969.)

Article 13.—ANIMAL WELFARE

9-13-1. (Authorized by and implementing K.S.A. 47-1712; effective Jan. 1, 1974; revoked, T-9-7-1-91, July 1, 1991; revoked, T-9-10-22-91, Oct. 22, 1991; revoked Feb. 10, 1992.)

9-13-2. (Authorized by and implementing K.S.A. 47-1712; effective Jan. 1, 1974; revoked, T-9-7-1-91, July 1, 1991; revoked, T-9-10-22-91, Oct. 22, 1991; revoked Feb. 10, 1992.)

9-13-3. (Authorized by and implementing K.S.A. 47-1712; effective Jan. 1, 1974; revoked, T-9-7-1-91, July 1, 1991; revoked, T-9-10-22-91, Oct. 22, 1991; revoked Feb. 10, 1992.)

9-13-4. (Authorized by and implementing K.S.A. 1989 Supp. 47-1712; effective June 11, 1990; revoked April 15, 1991.)

Article 14.—LIVESTOCK DEALERS REGISTRATION

9-14-1. Definitions. The following definitions shall apply in the interpretation, administration and enforcement of Article 14:

(a) "Commissioner" means the livestock commissioner of the state of Kansas.

(b) "Livestock" means cattle, swine, horses, sheep, goats, and poultry.

(c) "Livestock dealer" means any person engaged in the business of buying or selling livestock in commerce, either on that person's own account or as the employee or agent of the seller or purchaser, or any person engaged in the business of buying or selling livestock in commerce on a commission basis. It shall not include any person who buys or sells livestock as part of that person's own breeding, feeding, or dairy operation, nor any person who receives livestock exclusively for immediate slaughter.

(d) "Person" means any individual, partnership, corporation, company, firm, or association. "Person" does not include any public livestock market operator licensed under K.S.A. 47-1001, *et seq.*, or any feed lot operator licensed under K.S.A. 47-1501, *et seq.* (Authorized by and implementing K.S.A. 47-607d, 47-610; effective, T-84-23, Aug. 30, 1983; effective May 1, 1984.)

9-14-2. Registration; application; fee.

Each person operating as a livestock dealer in Kansas shall register with the Kansas animal health department on an application form approved by the commissioner. An annual fee of \$75.00 shall accompany each application for registration or renewal of registration. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-607d, 47-610, and 47-1805; effective, T-84-23, Aug. 30, 1983; effective May 1, 1984; amended, T-9-8-8-00, Aug. 8, 2000; amended Nov. 13, 2000.)

9-14-3. Recordkeeping; violations. Each livestock dealer shall keep records and accounts of all livestock purchased for resale that are sufficient to enable the commissioner to trace individual animals back to the herd of origin, to the point of destination or both. These records and accounts shall be kept for a minimum of two years after livestock were purchased for resale. The commissioner or the commissioner's employees or agents shall have the authority to examine the records and accounts during normal working hours. After notice and hearing, the commissioner may deny any application for registration or suspend or revoke any registration in force, if formal findings are made that the person has failed repeatedly to maintain records and accounts that are sufficient to allow the commissioner to trace animals back to the herd of origin, to the point of destination or both. (Authorized by and implementing K.S.A. 47-607d, 47-610; effective, T-84-23, Aug. 30, 1983; effective May 1, 1984.)

Article 15.—LIVESTOCK BRANDS

Editor's Note:

Regulations 9-15-1 to 9-15-3 transferred from 8-1-1 to 8-1-3.

9-15-1. Single letters or numerals banned. Single letters or single numerals are not acceptable for registration as cattle brands. (Authorized by K.S.A. 47-418, 47-426; effective Jan. 1, 1966.)

9-15-2. Ear marks; limited recognition. Ear marks are not acceptable for registration as livestock brands. Applicants may record ear marks in conjunction with the registration of a lawful brand, at the time of the original registration without additional cost, and subsequent to the original registration of a lawful brand upon the payment of a handling charge of one dollar. (Authorized by K.S.A. 47-418, 47-426; effective Jan. 1, 1966.)

9-15-3. Brand locations. Certificate of brand title shall not be issued upon original ap-

plication for registration except for the shoulder, rib and hip locations on either side of the animal; *Provided*, That certificate of brand title may be issued for the branding of sheep with paint or tar on the back. (Authorized by K.S.A. 47-418, 47-426; effective Jan. 1, 1966.)

9-15-4. Brand registration and renewal fees. Each person desiring to register a livestock brand in accordance with the laws of the state of Kansas shall forward to the livestock commissioner a fee of \$45.00. Upon receipt of a notice of renewal from the livestock commissioner, each person who wishes to renew the registration of a livestock brand shall submit to the livestock commissioner a renewal fee of \$45.00 before the registration period expires. (Authorized by and implementing K.S.A. 1999 Supp. 47-417; effective, E-81-5, Jan. 10, 1980; effective May 1, 1980; amended, T-9-8-8-00, Aug. 8, 2000; amended Nov. 13, 2000.)

9-15-5. Brand inspection fees. (a)(1) Each owner or seller of cattle or sheep that are in a brand inspection area shall pay a fee of \$.50 per head of cattle inspected by the livestock commissioner's brand inspectors and a fee of \$.05 per head of sheep inspected. The total minimum fee charged for each brand inspection area shall be the sum of \$20.00 plus a mileage charge per mile traveled by the brand inspector between the inspection site and the inspector's residence. The mileage charge shall be based on the schedule of charges for use of central motor pool vehicles established under K.S.A. 75-4607, and amendments thereto.

(2) If one or more of the livestock commissioner's brand inspectors provide on-site inspection of cattle or sheep that are not in a brand inspection area or a public livestock market, the owner or seller shall pay the fee established under paragraph (a)(1).

(b) The owner or seller shall pay the fee established under subsection (a) to the brand inspector at the conclusion of the inspection. (Authorized by K.S.A. 47-426, K.S.A. 47-436, and K.S.A. 47-437, as amended by L. 2000, Ch. 111, §5; implementing K.S.A. 47-417a and K.S.A. 47-437, as amended by L. 2000, Ch. 111, §5; effective, T-9-8-29-00, Aug. 29, 2000; effective Dec. 29, 2000.)

Article 16.—ESTRAY NOTICES

Editor's Note:

Regulations 9-16-1 and 9-16-2 transferred from 8-2-1 and 8-2-2.

9-16-1 and 9-16-2. (Authorized by K.S.A. 1965 Supp. 47-230; effective Jan. 1, 1966; revoked, E-70-40, Aug. 19, 1970; revoked Jan. 1, 1971.)

Article 17.—PSEUDORABIES IN SWINE

9-17-1. Definitions. (a) "Herd" means all swine on the premises of any person owning or possessing swine.

(b) "Negative herd test" means all breeding-age animals are negative to an approved pseudorabies test or tests conducted by an approved diagnostic laboratory.

(c) "Monitored herd test" means a herd in which an approved percentage or qualifying number of breeding animals in the herd have been tested and are negative to an approved pseudorabies test.

(d) "Pseudorabies infected herd" means any herd that has been determined to be infected with pseudorabies by an official pseudorabies test or diagnosed by a veterinarian as having pseudorabies.

(e) "Exposed animal" means any animal that has been in contact with an animal infected with pseudorabies.

(f) "Exhibition swine" means swine that are to be exhibited in public view.

(g) "Swine slaughter show" means a show at which all swine on the premises are slaughtered immediately following their exhibition and swine may exhibit without a negative pseudorabies test.

(h) "Breeding herd" means all swine on the premises six months of age and older maintained for breeding purposes and which shall be kept separate and apart from all other swine except their progeny less than eight weeks of age.

(i) "Pseudorabies monitored qualified feedlot" means a licensed premise that feeds swine originating from a qualified pseudorabies negative tested herd or a monitored pseudorabies negative herd.

(j) "Swine feedlot" means licensed premises that purchase, grow and/or finish swine. They may be animals of unknown status from either intra or interstate sources.

(k) "Quarantine swine feedlot" means premises that may feed swine from a known infected or exposed quarantined herd located in Kansas.

(l) "Circle testing" means testing all swine including those in feedlots within a 1.5 mile radius of infected premises by either testing of all breed-

ing swine or by a monitored herd test for pseudorabies.

(m) "Mandatory infected herd plan" means any herd owner that has been determined to be infected with pseudorabies shall develop an acceptable herd plan to eradicate the virus from the owner's premises. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 154, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing 47-607d as amended by L. 1989, Ch. 154, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Sept. 26, 1988; amended Feb. 5, 1990.)

9-17-2. Qualified pseudorabies negative herd. (a) Qualified pseudorabies negative herd status shall be attained by subjecting all swine over six months of age to an official pseudorabies test and finding all swine so tested to be negative. Each herd shall not have been a known infected herd within the last 30 days before the test. Ninety percent of the swine in the herd shall have been on the premises for at least 50 days prior to testing.

(b) Each qualified pseudorabies negative herd status shall be maintained by subjecting all swine in the herd over six months of age to an official pseudorabies test at least once each year. This shall be accomplished by:

(1) (A) testing 25 per cent of the swine over six months of age, every 80-105 days with negative results for all tested; or

(B) testing 10 per cent of the herd each month with negative results for all tested; and

(2) finding the entire herd negative for pseudorabies as a result of tests performed in paragraph (1) (A) and (B).

(c) All swine to be added to a qualified negative herd shall be isolated until they have passed two official negative tests. The first test shall be conducted 30 days or more after the start of isolation. The second test shall be conducted 30 days or more after the first test. Any modification of these requirements shall have prior approval from the livestock commissioner. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; 46-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Sept. 26, 1988; amended Feb. 5, 1990.)

9-17-3. Eradication of pseudorabies from infected swine herds. (a) The herd owner of a pseudorabies infected herd shall submit a mandatory infected herd plan within 60 days after discovery of the infection.

(b) (1) Any swine may be fed out for slaughter, or moved to a quarantined feed lot after approval for direct movement and a shipping permit by the Kansas animal health department for direct movement.

(2) Swine shall not be eligible for exhibition if they originate from a known infected herd.

(c) Any swine herd owner possessing pseudorabies infected tissue or a carcass may dispose of the tissue or carcass by deep burial, removal to a rendering plant, or incineration. The infected swine herd shall be isolated from all other animals. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; effective Sept. 26, 1988; amended Feb. 5, 1990.)

9-17-4. Exhibition swine. All swine shall pass an official pseudorabies test approved by the livestock commissioner within 60 days before the opening date of exhibition, except:

(a) Swine from a qualified pseudorabies negative herd;

(b) Swine qualifying for slaughter shows where all swine on the premises are slaughtered immediately following exhibition and no other species of animals are on the premises; or

(c) Suckling pigs accompanying tested and negative dams. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Sept. 26, 1988; amended Feb. 5, 1990.)

9-17-5. Swine slaughter show. (a) Swine originating from a herd or premises known to have had pseudorabies in any animal within the preceding 12 months shall not be exhibited in Kansas, except at a slaughter show.

(b) Shows of any animals except poultry, rabbits or horses shall not be on the same premises within 14 days following a swine slaughter show.

(c) Swine from a herd in which pseudorabies vaccine has been used shall not be exhibited, ex-

cept in a swine slaughter show. (Authorized by K.S.A. 47-607d; 47-610; implementing 47-607d, 47-608; and 47-610 effective Sept. 26, 1988.)

9-17-6. Change of ownership. All breeding swine that are offered for sale shall be tested for pseudorabies or originate from a qualified pseudorabies negative herd. The seller shall be responsible for the testing. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Feb. 5, 1990.)

9-17-7. Monitored qualified feedlot breeding swine. Animals for breeding purposes originating in a pseudorabies monitored qualified feedlot shall be separated 21 to 45 days prior to being tested for pseudorabies. A positive test shall result in the loss of pseudorabies monitored qualified feedlot status. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Feb. 5, 1990.)

9-17-8. Swine feedlot restrictions. Sale of animals from a swine feedlot are restricted to sale for slaughter only or for sale to another approved swine feedlot. (Authorized by K.S.A. 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-610 as amended by L. 1989, Ch. 156, Sec. 16; implementing 47-607d as amended by L. 1989, Ch. 156, Sec. 14; 47-608 as amended by L. 1989, Ch. 156, Sec. 15; and 47-610 as amended by L. 1989, Ch. 156, Sec. 16; effective Feb. 5, 1990.)

Article 18.—ANIMAL FACILITY INSPECTION PROGRAM—LICENSE AND REGISTRATION FEES

9-18-1. Fees. Each applicant for a license and each registrant under K.S.A. 47-1701 et seq., and amendments thereto, shall pay the appropriate application fee as set forth below:

- | | |
|---|----------|
| (a) License for animal breeder premises of a person licensed under 7 U.S.C. § 2131 et seq. | \$200.00 |
| (b) License for animal breeder premises of a person not licensed under 7 U.S.C. § 2131 et seq. | \$405.00 |

- | | |
|---|----------|
| (c) License for a pound or shelter | |
| (1) First-class city, as defined in K.S.A. 13-101 and amendments thereto, or any entity contracting with a first-class city | \$300.00 |
| (2) Second-class city, as defined in K.S.A. 14-101 and amendments thereto, or any entity contracting with a second-class city | \$250.00 |
| (3) Third-class city, as defined in K.S.A. 15-101 and amendments thereto, or any entity contracting with a third-class city | \$200.00 |
| (4) All other types of pound or shelter licenses | \$200.00 |
| (d) License for a retail breeder licensed under 7 U.S.C. § 2131 et seq. | \$200.00 |
| (e) License for a retail breeder not licensed under 7 U.S.C. § 2131 et seq. | \$405.00 |
| (f) License for an operator of a temporary pet shop | |
| (1) 1-2 sale days during license year | \$75.00 |
| (2) 3-4 sale days during license year | \$150.00 |
| (3) 4-6 sale days during license year | \$200.00 |
| (4) 7-12 sale days during license year | \$350.00 |
| (g) License for an operator of a pet shop | \$405.00 |
| (h) License for an operator of a research facility licensed under 7 U.S.C. § 2131 et seq. | \$200.00 |
| (i) License for an operator of a research facility not licensed under 7 U.S.C. § 2131 et seq. | \$405.00 |
| (j) License for a hobby breeder or boarding kennel operator | \$95.00 |
| (k) License for an animal distributor licensed under 7 U.S.C. § 2131 et seq. | \$200.00 |
| (l) License for an animal distributor not licensed under 7 U.S.C. § 2131 et seq. | \$405.00 |
| (m) Out-of-state distributor permit | \$650.00 |
| (n) License for a foster home shelter | \$10.00 |
| (o) License for a rescue home shelter | \$50.00 |
| (p) License for a group home shelter | \$50.00 |
| (q) Temporary closing permit for a hobby breeder or kennel operator | \$45.00 |
| (r) Temporary closing permit for a pound or shelter, animal breeder, animal distributor, retail breeder, pet shop, or research facility | \$95.00 |

(Authorized by and implementing K.S.A. 2004 Supp. 47-1721, as amended by 2005 SB 266, sec. 1; effective, T-9-7-22-89, July 27, 1989; amended Sept. 11, 1989; amended, T-9-7-1-91, July 1, 1991; amended, T-9-10-22-91, Oct. 22, 1991; amended Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996; amended, T-9-5-31-01, May 31, 2001; amended, T-9-9-27-01, Sept. 27, 2001; amended May 30, 2003; amended, T-9-7-1-05, July 1, 2005; amended Sept. 16, 2005.)

9-18-2. Inspections of premises. (a) Each premises that is licensed or is required to be licensed under K.S.A. 47-1701 et seq. and amendments thereto, which is known as the Kansas animal pet act, shall be subject to routine inspections by the commissioner or any of the commissioner's authorized representatives to determine compliance with the act and all regulations.

(b) In addition to the routine inspections, any of the premises may be subject to one or more further inspections under any of the following circumstances:

(1) A violation was found in a previous inspection.

(2) A complaint is filed regarding the premises.

(3) The ownership of the premises changed in the previous year.

(4) The license for the premises was not renewed on a timely basis.

(c) Inspections shall be made only on Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m., except that inspections may be conducted at alternate times, upon the agreement of all interested persons or entities.

(d) If the owner or operator of the premises is not routinely available between the hours of 7:00 a.m. and 7:00 p.m., the owner or operator shall designate a representative who will be present while the inspection is conducted and shall notify the commissioner in writing of the name of the designated representative. The designated representative shall be 18 years of age or older. The owner or operator shall notify the commissioner in writing of any new representative who is designated to be present during inspections.

(e) Inspections shall be made by the livestock commissioner or any employee, representative, or agent of the commissioner who the commissioner determines is trained in reasonable standards of animal care. (Authorized by K.S.A. 47-1712; implementing K.S.A. 47-1709; effective, T-9-7-1-03, July 1, 2003; effective Nov. 7, 2003.)

9-18-3. Inspection generated by a complaint. (a) Each premises that is licensed or is required to be licensed under K.S.A. 47-1701 *et seq.* and amendments thereto, which is known as the Kansas pet animal act, shall be subject to inspections by the commissioner or any of the commissioner's authorized, trained representatives as needed to investigate any specific complaint filed with the department regarding any violation of these regulations or other violations of this act.

(b) Inspections to investigate an unlicensed facility or to determine whether a licensed facility is in violation of these regulations or the act shall be conducted only on Monday through Friday, between the hours of 7:00 a.m. and 7:00 p.m., except as follows:

(1) Inspections to investigate allegations of violations adversely affecting the health, safety, and

welfare of the animals may be conducted on any day of the week.

(2) Inspections may be conducted at alternate times, upon the agreement of all interested persons or entities.

(c) Inspections shall be made by the livestock commissioner or any employee, representative, or agent of the department who the commissioner determines is trained in reasonable standards of animal care.

(d) Inspections may be conducted without notice to the owner or operator of the premises. (Authorized by K.S.A. 47-1712; implementing K.S.A. 47-1709; effective, T-9-7-1-03, July 1, 2003; effective Nov. 7, 2003.)

Article 19.—ANIMAL BREEDERS AND DISTRIBUTORS; FACILITY STANDARDS, ANIMAL HEALTH, HUSBANDRY, AND OPERATIONAL STANDARDS

9-19-1. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 28, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996; revoked, T-9-7-1-03, July 1, 2003; revoked Oct. 31, 2003.)

9-19-2 through 9-19-11. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992; amended, T-9-7-1-96, July 1, 1996; amended Nov. 15, 1996; revoked, T-9-7-1-03, July 1, 2003; revoked Oct. 31, 2003.)

9-19-12. Adoption by reference. Each animal breeder and each animal distributor shall comply with 9 C.F.R. 3.1 through 3.12, as in effect on January 1, 2003, which are hereby adopted by reference with the following modifications, deletions, and additions:

(a) All references to "the administrator," "APHIS," "pertinent funding federal agency," and "USDA officials" shall be deemed to refer to the commissioner.

(b) All references to "dealer" or "dealers" and to "exhibitor" or "exhibitors" shall be deemed to refer to animal breeders and animal distributors.

(c) All references to "research facility," "research facilities," "federal research facilities," and "research needs," shall be deleted.

(d) 9 C.F.R. 3.5 shall be deleted.

(e) Paragraphs (b)(5) and (c)(3) of 9 C.F.R. 3.6 shall be deleted.

(f) Paragraphs (b)(1) and (d)(2) of 9 C.F.R. 3.8 shall be deleted. (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-03, July 1, 2003; effective Oct. 31, 2003.)

Article 20.—PET SHOPS

9-20-1. Facilities. (a) Structures.

(1) Each pet shop shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each pet shop facility.

(3) Space shall be supplied in each pet shop to store the provisions necessary to adequately operate the pet shop.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for a pet shop shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a pet shop shall be provided at all times by natural or mechanical means. Each pet shop facility shall be operated to provide fresh air by means of windows, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each pet shop shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each pet shop shall be provided with a drainage system which will effectively eliminate excess water from the pet shop unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each pet shop shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each pet shop shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each pet shop shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-20-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the pet shop or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease

condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-20-3. Records. Each operator of a pet shop shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) the name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccination information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-20-4. Prohibiting the sale or gift of certain animals. (a) A pet shop shall not sell any reptiles, offer any reptiles for sale, or offer any reptiles as a gift or promotional consideration unless a notice regarding safe reptile-handling practices and meeting the requirements of subsection (b) is prominently posted or displayed at each location in the pet shop where the reptiles are displayed, housed, or held.

(b) Each notice regarding safe reptile-handling practices shall be one of the following: a notice provided at no charge by the animal health department upon the request of any pet shop, any notice created by the centers for disease control and prevention, or a notice that meets the following standards:

(1) The dimensions of each notice shall be a minimum of 8.5 inches by 11 inches and shall use one or more typefaces or fonts that are clearly visible and readily draw attention to the notice.

(2) At a minimum, the notice shall contain the following statements:

(A) "As with many other animals, reptiles carry salmonella bacteria, which can make people sick. To reduce the chance of infection, follow these safe reptile-handling steps."

(B) "Always wash your hands thoroughly after

you handle your pet reptile, its food, and anything it has touched."

(C) "Keep your pet reptile and its equipment out of the kitchen or any area where food is prepared."

(D) "Don't nuzzle or kiss your pet reptile."

(E) "Keep reptiles out of homes where there are children under one year of age or people with weakened immune systems. Children under five should handle reptiles only with adult or parental guidance. And they should always remember to wash their hands afterwards."

(c) A pet shop shall not possess, sell, offer for sale, or offer as a gift or promotional consideration any skunk, raccoon, fox, or coyote. (Authorized by K.S.A. 1998 Supp. 47-1712; implementing K.S.A. 1998 Supp. 47-1713; effective Feb. 26, 1999.)

Article 21.—ANIMAL RESEARCH FACILITY

9-21-1. Animal research facilities. (a) Structures.

(1) Each animal research facility shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each animal research facility.

(3) Space shall be supplied in each animal research facility to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for an indoor animal research facility shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for an animal research facility shall be provided at all times by natural or mechanical means. Each animal research facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ven-

tilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each animal research facility shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each animal research facility shall be provided with a drainage system which will effectively eliminate excess water from the animal research facility unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each animal research facility shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each animal research facility shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each animal research facility shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-21-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and de-

tergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the animal research facility or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-21-3. Records. Each operator of an animal research facility shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccination information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

Article 22.—ANIMAL POUNDS AND SHELTERS

9-22-1. Animal pounds and shelters. (a) Structures.

(1) Each animal pound and shelter shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

- (B) be maintained in good repair; and
- (C) protect animals housed inside from injury.
- (2) Water and electrical power shall be available in each animal pound and shelter.
- (3) Space shall be supplied in each animal pound and shelter to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for each pound and shelter shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a pound and shelter shall be provided at all times by natural or mechanical means. Each animal pound and shelter facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each animal pound and shelter shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each animal pound and shelter shall be provided with a drainage system which will effectively eliminate excess water from the research animal pound and shelter unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each animal pound and shelter shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each animal pound and shelter shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each animal pound and shelter shall be constructed and maintained so as to provide suf-

ficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-22-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the animal pound and shelter or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-22-3. Records. Each operator of an animal pound and shelter shall keep and maintain records for each animal purchased, acquired,

held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccination information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-22-4. Foster homes. (a) Definitions.

(1) "Act" means the Kansas pet animal act, K.S.A. 47-1701 *et seq.* and amendments thereto.

(2) "Adult animal" means a dog or cat that is four months of age or older.

(3) "Animal" means a dog or cat, as defined by K.S.A. 47-1701, and amendments thereto.

(4) "Foster home shelter" means a type of shelter consisting of the premises of an individual who provides temporary care for one or more animals owned by a shelter that is licensed by the state of Kansas.

(5) "Foster home shelter licensee" means the individual to whom a foster home shelter license is issued.

(6) "Group home shelter," "manager," and "rescue home shelter" shall have the meanings set out in K.A.R. 9-22-5.

(7) "Shelter" means an animal pound or shelter as defined in K.S.A. 47-1701(g), and amendments thereto. For purposes of this regulation, the term "shelter" shall include "group home shelter" and "rescue home shelter," as defined in K.A.R. 9-22-5.

(8) "Temporary care" means the care and housing of an individual animal for 365 days or less during the calendar year, except as provided by subsections (i) and (j).

(b)(1) Application forms for a foster home shelter license shall be provided by the commissioner at the request of a licensed shelter. Each shelter wishing to use foster home shelters shall provide the application to each individual it approves as a foster home shelter. Both the sponsoring shelter

and the foster home shelter license applicant shall sign the completed foster home shelter license application. The completed foster home shelter license application shall be submitted to the commissioner with the foster home shelter license fee established by K.A.R. 9-18-1.

(2) No animal shall be placed by the sponsoring shelter in a foster home shelter until the commissioner has issued the foster home shelter license.

(c) Any foster home shelter licensee may house animals for more than one shelter if the following conditions are met:

(1) A separate foster home shelter license application has been jointly signed by the applicant and the sponsoring shelter and has been submitted to the commissioner.

(2) The commissioner has issued a separate foster home shelter license on behalf of each sponsoring shelter.

(d) Each sponsoring shelter using a foster home shelter shall develop a plan of veterinary care to be followed by the foster home shelter caretaker. The plan of veterinary care shall be recorded on the form specified in K.S.A. 47-1701(dd)(1)(A), and amendments thereto. This plan shall include the name of the licensed veterinarian the foster home shelter caretaker must contact in case of injury or illness and the name of the party responsible for the payment of treatment and office call charges. The foster home shelter caretaker shall notify the sponsoring shelter of any animal receiving veterinary care within 24 hours of treatment. A copy of the plan of veterinary care shall be filed annually with the commissioner.

(e) A foster home shelter licensee shall not directly accept stray animals or any animal relinquished by its owner. Any foster home shelter applicant or licensee wishing to accept stray animals or animals relinquished by their owners shall apply for and receive a shelter license before accepting these animals. Except as provided in K.A.R. 9-22-5, each sponsoring shelter shall have a physical facility for the intake of stray and relinquished animals and the housing of stray animals. Each manager of a group home shelter shall be responsible for the intake of all animals in the care of the group home shelter. No stray animal may be placed with a foster home shelter until the applicable requirements of K.S.A. 47-1710, and amendments thereto, have been met.

(f)(1) A foster home shelter licensee shall not at any time maintain or house on the premises more than 19 adult animals as defined in subsec-

tion (a). These limitations shall include the following:

(A) Any adult animal that is a personal pet of the foster home shelter caretaker; and

(B) any adult animal owned by any other individual or entity and maintained, housed, or harbored on the premises.

(2) If it appears that more than 19 adult animals will be housed on the premises for any reason, the foster home shelter licensee shall immediately apply for a shelter license and shall not accept any adult animals in excess of that limit before receiving the shelter license.

(g) A foster home shelter licensee shall not house intact dogs or cats six months of age or older unless spaying or neutering is contraindicated by a licensed veterinarian. If a veterinarian recommends that the animal should not be altered, the foster home shelter licensee shall obtain a copy of a written opinion by the veterinarian as to why the animal cannot be spayed or neutered and an estimated time of when, if ever, the animal may be altered. A copy of the written opinion shall be kept by both the foster home shelter licensee and the sponsoring shelter.

(h) The sponsoring shelter shall process all documentation for each adoption and all spay and neuter deposits required by K.S.A. 47-1731, and amendments thereto. Each intact dog, cat, puppy, or kitten shall be adopted directly from the facility of the sponsoring shelter or, in the case of a group home shelter, from the premises of the manager or a licensed shelter. Any altered dog, cat, puppy, or kitten may be adopted directly from the foster home shelter only after all final adoption paperwork has been processed through the sponsoring shelter.

(i) Each animal placed with a foster home shelter shall be evaluated every 180 days by the sponsoring shelter to determine whether it should be returned to the shelter or should remain in the care of the foster home shelter. The records of both the sponsoring shelter and the foster home shelter shall reflect the date on which the animal was evaluated, the reason for the animal to remain in a foster home shelter, and the name of the person at the sponsoring shelter who made the decision.

(j) An animal shall not remain in the care of one or more foster home shelters for more than 12 months without written permission from the commissioner. Any sponsoring shelter wishing to maintain an animal in the care of its foster home

shelters beyond 12 months shall send a written request to the commissioner stating the reasons for the request.

(k) In addition to meeting the provisions of this regulation, each foster home shelter licensee shall comply with the statutory provisions of the act and with K.A.R. 9-22-1 through K.A.R. 9-22-3. All records shall be kept on a form provided by the commissioner.

(l) Foster home shelter licenses shall not be transferable. (Authorized by K.S.A. 47-1712 and 47-1731; implementing K.S.A. 47-1701, 47-1704, 47-1710, 47-1712, and 47-1731; effective, T-9-5-31-01, May 31, 2001; effective, T-9-9-27-01, Sept. 27, 2001; effective May 30, 2003; amended, T-9-7-1-03, July 1, 2003; amended Sept. 19, 2003.)

9-22-5. Group homes and rescue homes.

(a) Definitions. As used in this regulation, the following terms shall be defined as follows:

(1) "Act" means the Kansas pet animal act.

(2) "Adult animal" means a dog or cat that is four months of age or older.

(3) "Animal" means a dog or cat, as defined in K.S.A. 47-1701, and amendments thereto.

(4) "Foster home shelter" and "foster home shelter licensee" shall have the meanings set out in K.A.R. 9-22-4. Except as expressly provided in this regulation, each foster home shelter licensee shall comply with the requirements of K.A.R. 9-22-4.

(5) "Group home shelter" means a type of shelter consisting of two or more foster home shelters that meet all of the following conditions:

(A) The foster home shelter licensees have joined together to house and provide temporary care for one or more animals for the purpose of finding permanent adoptive homes.

(B) The foster home shelters are not sponsored by a licensed shelter that maintains a central facility for keeping animals.

(C) The group home shelter has designated a manager who carries out the duties of a sponsoring shelter.

(6) "Licensee" means the individual, group of individuals, or entity to whom a group home shelter or rescue home shelter license is issued.

(7) "Manager" means the person designated by a group home shelter to be responsible for the following functions:

(A) Approving the membership of each foster home shelter in the group home shelter;

(B) carrying out the duties of the sponsoring

shelter under K.A.R. 9-22-4, including the intake of all animals in the care of the group home shelter;

(C) maintaining on that person's premises all documentation required by K.A.R. 9-22-4 and K.A.R. 9-22-5, including records pertaining to the adoption, placement, or other disposition of each animal receiving temporary care from the group home shelter; and

(D) ensuring compliance with this regulation and K.A.R. 9-22-4 by each foster home shelter belonging to the group home shelter.

(8) "Rescue home shelter" means a type of shelter consisting of the premises of an individual or corporation who meets all of the following criteria:

(A) Provides care and housing for a specific type of purebred dog or cat; and

(B) is an affiliate or agent of a national purebred organization or is a corporation registered to do business in the state of Kansas with a focus on the specific type of purebred that will receive care and housing in the rescue home shelter.

(9) "Shelter" means an animal pound or shelter as defined in K.S.A. 47-1701(g), and amendments thereto.

(10) "Temporary care" means care and housing of an individual animal for 365 days or less during the calendar year, except as provided by K.A.R. 9-22-4(i) and (j).

(b) Applications and licensure.

(1) Group home shelters. An application form for a group home shelter license shall be provided by the commissioner at the request of the proposed manager. The completed application and the license fee, as established by K.A.R. 9-18-1, shall be submitted to the commissioner. Once a group home shelter license has been issued by the commissioner, applications for foster home shelters approved for membership in the group home shelter shall be processed in accordance with the application and licensing requirements in K.A.R. 9-22-4 for foster home shelters. No animal shall be placed with the group home shelter until the commissioner has issued licenses for both the group home shelter and the foster home shelter that will provide temporary care.

(2) Rescue home shelters.

(A) Each individual who wishes to be licensed to operate a rescue home shelter shall submit the rescue home shelter license fee established by K.A.R. 9-18-1 and an application on a form pro-

vided by the commissioner, along with one of the following:

(i) A letter or other documentation from the national organization accepting that individual as a rescue home shelter; or

(ii) documentation that the rescue home shelter is a corporation registered to do business in the state of Kansas with a focus on the specific type of purebred that will receive care and housing in the rescue home shelter.

(B) No animal shall be placed in a rescue home shelter until the commissioner has issued a license for the rescue home shelter.

(C) If an applicant wishes to serve as a rescue home shelter for more than one type of purebred dog or cat, the applicant shall list on the application each type of purebred to be served and, for each type, shall submit the documentation as required under paragraph (b)(2)(A)(i) or (ii).

(c) General provisions for licensees.

(1)(A) Except as provided in paragraph (c)(1)(B) below, each animal in the care of a licensee, other than the personal pets of the licensee, shall have been relinquished by an owner, transferred from another licensee, or transferred from a shelter licensed in Kansas. Each manager of a group home shelter shall be responsible for the intake of all animals in the group home shelter. Each licensee obtaining a dog or cat from a veterinarian shall adopt the animal and comply with the requirements of K.S.A. 47-1731, and amendments thereto, as veterinarians are not subject to licensing by the commissioner.

(B) No stray dog, cat, puppy, or kitten may be placed with a licensee until the requirements of K.S.A. 47-1710, and amendments thereto, have been met by a licensed shelter. If a licensee wishes to accept stray dogs, cats, puppies, or kittens, the licensee first shall apply for and receive a shelter license.

(2)(A) Any rescue home shelter wishing to maintain or house more than 19 adult animals at any time shall apply for and receive a shelter license before accepting more than 19 adult animals. The limit of 19 adult animals shall include the following:

(i) Any adult animal that is a personal pet of the rescue home shelter caretaker; and

(ii) any adult animal owned by any other individual or entity and maintained, housed, or harbored by the licensee.

(B) Each foster home shelter belonging to a group home shelter shall be subject to the limi-

tation on the number of animals in its care established by K.A.R. 9-22-4(f).

(3)(A) Each rescue home shelter licensee shall develop a plan of veterinary care to be followed by each animal caretaker for that rescue home shelter. The plan of veterinary care shall be recorded on the form specified in K.S.A. 47-1701(dd)(1)(A), and amendments thereto. This plan shall include the name of the veterinarian licensed in Kansas that the rescue home shelter will contact in case of injury or illness. A copy of the plan of veterinary care shall be filed annually with the commissioner by each rescue home shelter licensee.

(B) Each group home shelter licensee shall meet the requirements for a plan of veterinary care, as specified in K.A.R. 9-22-4.

(4)(A) Any licensee may offer animals in its custody for adoption and may transfer ownership in accordance with K.S.A. 47-1731, and amendments thereto.

(B) Each rescue home shelter licensee shall process all documentation for each adoption of an animal in the custody of the rescue home shelter and for all spay and neuter deposits required by K.S.A. 47-1731, and amendments thereto. A copy of each of these documents shall be kept at the rescue home shelter. Intact dogs, cats, puppies, or kittens shall be adopted only from the rescue home shelter or a licensed shelter.

(C) Each rescue home shelter sponsoring one or more foster home shelters and each group home shelter shall comply with the provisions of K.A.R. 9-22-4 regarding adoption and transfer of ownership of animals receiving temporary care in a foster home shelter.

(5) An animal shall not remain in the custody of a group home shelter or rescue home shelter for more than 12 months without written permission from the commissioner. Each licensee wishing to maintain an animal in its care beyond 12 months shall send a written request to the commissioner stating the reasons for the request.

(6) In addition to the provisions of this regulation, each licensee shall comply with the statutory provisions of the act and with K.A.R. 9-22-1 through K.A.R. 9-22-3. All records shall be kept on a form provided by the commissioner.

(7) Each licensee accepting animals from out of state shall comply with the importation and certificate of health requirements set out in K.A.R. 9-7-9, K.A.R. 9-7-9a, and K.A.R. 9-7-11. The original of each certificate of health shall be main-

tained with the files of the rescue home shelter or, for group home shelters, with the foster home shelter caring for the animal.

(8) Rescue home shelter and group home shelter licenses shall not be transferable. (Authorized by K.S.A. 47-1712 and 47-1731; implementing K.S.A. 47-1701, 47-1704, 47-1710, 47-1712, and 47-1731; effective, T-9-5-31-01, May 31, 2001; effective, T-9-9-27-01, Sept. 27, 2001; effective May 30, 2003; amended, T-9-7-1-03, July 1, 2003; amended Sept. 19, 2003.)

Article 23.—HOBBY KENNEL OPERATORS

9-23-1. Hobby kennel operators. (a) Structures.

(1) Each hobby kennel shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each hobby kennel.

(3) Space shall be supplied in each hobby kennel to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste materials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for an indoor hobby kennel shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a hobby kennel shall be provided at all times by natural or mechanical means. Each hobby kennel facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each hobby kennel shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each hobby kennel shall be provided with a drainage system which will effectively eliminate excess water from the hobby kennel unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each hobby kennel shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each hobby kennel shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each hobby kennel shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; Feb. 10, 1992.)

9-23-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the

hobby kennel or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-23-3. Records. Each operator of a hobby kennel shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccination information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

Article 24.—KENNEL OPERATORS

9-24-1. Kennel operators. (a) Structures.

(1) Each kennel shall:

(A) Be constructed of material that will provide for the establishment of a sound structure;

(B) be maintained in good repair; and

(C) protect animals housed inside from injury.

(2) Water and electrical power shall be available in each kennel.

(3) Space shall be supplied in each kennel to store the provisions necessary to adequately operate each such unit.

(b) Operational procedures.

(1) Removal and disposal of animal, and all other food wastes, bedding, dead animals, and debris shall be done on a regular basis and at reasonable intervals. The disposal of these waste ma-

terials shall comply with federal, state and local laws and regulations relating to pollution control.

(2) The temperature for an indoor kennel shall be regulated by heating and cooling to sufficiently protect each animal housed inside from extremes of temperatures. Temperatures shall not be allowed to fall below or rise above ranges which would cause discomfort or health hazards to any animal.

(3) Ventilation for a kennel shall be provided at all times by natural or mechanical means. Each kennel facility shall be operated to provide fresh air by means of windows, doors, vents, fans or air conditioning. Ventilation shall be established to minimize drafts, odors and moisture condensation.

(4) Each kennel shall be provided with uniformly distributed lighting. Lighting shall be in an amount sufficient to permit routine inspection and cleaning and be arranged so that each animal is protected from excessive illumination.

(5) Each kennel shall be provided with a drainage system which will effectively eliminate excess water from the kennel unit. If drains are used, they shall be constructed in such a manner to avoid all foul odors and any backup of sewage. Drainage systems shall comply with federal, state and local laws and regulations relating to pollution control.

(c) Pens.

(1) Each kennel shall be constructed to prevent the overheating and discomfort of any animal. Shade shall be supplied either by natural or artificial means. Each kennel shall be constructed of acceptable materials and maintained in strict sanitary condition.

(2) Each kennel shall be constructed and maintained so as to provide sufficient space for each animal housed and to permit normal postural and social adjustments, with freedom of movement for each animal. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-24-2. Animal health and husbandry standards. (a) Animal food shall be wholesome, palatable, free from contamination and of nutritional value sufficient to maintain each animal in good health.

(b) Food receptacles shall be in sufficient number, of adequate size and so located as to enable each animal in the enclosure to be supplied with

an adequate amount of food. Food receptacles shall be kept clean and sanitary.

(c) Excreta shall be removed from each enclosure as often as necessary:

(1) to prevent contamination of the animals contained therein;

(2) to prevent disease hazards; and

(3) to reduce odors. Cages, rooms and pens which contain any animal having any infectious or transmissible disease shall be washed each day, and after each occupancy, with hot water and detergent. Effective disinfectant shall be applied as an incident of each washing.

(d) An effective program for the control of insects, ectoparasites and other pests shall be provided and maintained.

(e) A program for disease prevention, parasite control, euthanasia and adequate veterinary care shall be provided and maintained under the supervision of a veterinarian. Each animal shall be observed each day by the person in charge of the kennel or by someone working under their direct supervision.

(f) Each animal shall be handled in a manner which will not cause discomfort, stress or physical harm to that animal.

(g) Water and food shall be provided to each animal at least once during each 24 hour period. Any animal with the nutritional need or disease condition shall be fed more frequently. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective, T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

9-24-3. Records. Each operator of a kennel shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or otherwise disposed of. The records shall include the following: (a) The name and address of the person from whom each animal was acquired.

(b) The date each animal was acquired.

(c) A description of each animal showing age, size, color marking, sex, breed and any vaccination information available. Records shall also include any other significant identification for each animal including any official tag number or tattoo.

(d) The name and address of the person to whom any animal is sold, given, bartered or to whom otherwise delivered. The record shall show the method of disposition. (Authorized by and implementing K.S.A. 1990 Supp. 47-1712, as amended by L. 1991, Ch. 152, Sec. 32; effective,

T-9-10-22-91, Oct. 22, 1991; effective Feb. 10, 1992.)

**Article 25.—RETAIL BREEDERS
FACILITY STANDARDS; ANIMAL
HEALTH, HUSBANDRY AND
OPERATIONAL STANDARDS**

9-25-1. Housing facilities, general. (a)

Definition. "Housing facility" means any land, premises, shed, barn, building, trailer, or other structure or area housing or intended to house animals.

(b) Structure; construction. Each housing facility for dogs and cats shall be designed and constructed as follows:

(1) in a manner which is structurally sound; and

(2) in a manner that protects animals from injury, contains the animals securely, and restricts other animals from entering.

(c) Condition and site.

(1) Housekeeping for premises. Each retail breeder licensee shall keep the premises where housing facilities are located, including buildings and surrounding grounds, clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required by K.A.R. 9-25-6(b), and to reduce or eliminate breeding and living areas for rodents and other pests or vermin. The licensee shall keep the premises free of accumulations of trash, junk, waste products, and discarded matter. The licensee shall control weeds, grasses, and bushes so as to facilitate cleaning of the premises and pest control and to protect the health and well-being of the animals.

(2) Food and supply storage areas. Each licensee shall ensure that the areas used for storing animal food or bedding are free of any accumulation of trash, waste material, junk, weeds, and other discarded materials. The licensee shall keep animal areas inside each housing facility neat and free of clutter, including equipment, furniture and stored material, but the animal areas may contain materials actually used and necessary for cleaning the area, and fixtures or equipment necessary for proper husbandry practices.

(3) Location with other businesses. Each housing facility shall be physically separated from any other business. If a housing facility is located on the same premises as another business, it shall be physically separated from the other business so

that animals the size of dogs, skunks, and raccoons are prevented from entering it.

(d) Surfaces.

(1) General requirements.

(A) The surfaces of each housing facility, including houses, dens, and fixtures and objects in the facility which are similar to furniture, shall be:

(i) constructed in a manner and made of materials that allow them to be readily cleaned and sanitized as required in paragraph (d)(3); or

(ii) removed or replaced when worn or soiled. Any such surface that cannot be readily cleaned and sanitized shall be replaced when worn or soiled.

(B) All interior surfaces and any surfaces that come into contact with dogs or cats shall:

(i) be free of excessive rust which prevents the required cleaning and sanitization, or which affects the structural strength of the surface; and

(ii) be free of jagged edges or sharp points that might injure the animals.

(2) Maintenance and replacement of surfaces. Each licensee shall maintain all surfaces on a regular basis.

(3) Cleaning. Each licensee shall spot clean daily all hard surfaces with which the dogs or cats come into contact and sanitize such surfaces in accordance with K.A.R. 9-25-6(b) to prevent accumulation of excreta and reduce disease hazards. Each licensee shall rake and spot clean floors made of dirt, absorbent bedding, sand, gravel, grass, or other similar material with sufficient frequency to ensure that all animals are free to avoid contact with excreta. The licensee shall replace contaminated material whenever raking and spot-cleaning is not sufficient to prevent or eliminate odors or insect, pest, or vermin infestation. Each licensee shall clean and sanitize all other surfaces of housing facilities when necessary to satisfy generally-accepted husbandry standards and practices. The licensee may use any of the sanitation methods provided in K.A.R. 9-25-6(b)(3) for primary enclosures.

(e) Water and electric power. Every housing facility shall have reliable electric power which is adequate for heating, cooling, ventilation, and lighting, and for carrying out other husbandry requirements in accordance with the regulations in this article. The housing facility shall provide adequate, running potable water for the dogs' and cats' drinking needs, for cleaning, and for carrying out other husbandry requirements.

(f) Storage. Each licensee shall store supplies

of food and bedding in a manner that protects the supplies from spoilage, contamination, and vermin infestation. The licensee shall store supplies off the floor and away from walls to allow cleaning underneath and around the supplies. Food requiring refrigeration shall be stored accordingly, and all food shall be stored in a manner that prevents contamination and deterioration of its nutritive value. Each licensee shall keep all open supplies of food and bedding in leak-proof containers with tightly fitting lids to prevent contamination and spoilage. Only food and bedding that is currently being used may be kept in the animal areas. The licensee shall not store any substance that is toxic to the dogs or cats but is required for normal husbandry practices in food storage and preparation areas, but may store such substances in cabinets in the animal areas.

(g) Drainage and waste disposal.

(1) Each licensee shall provide for regular and frequent collection, removal, and disposal of animal and food wastes, bedding, debris, garbage, water, other fluids, wastes, and dead animals in a manner that minimizes contamination and disease risks.

(2)(A) Each housing facility shall be equipped with disposal facilities and drainage systems that are constructed and operated so that animal waste and water are rapidly eliminated and animals stay dry. The disposal and drainage systems shall minimize vermin and pest infestation, insects, odors, and disease hazards. All drains shall be properly constructed, installed, and maintained.

(B) If a closed drainage system is used, it shall be equipped with traps and shall prevent the backflow of gases and the backup of sewage onto the floor. If the facility uses sump or settlement ponds or other similar systems for drainage and animal waste disposal, the system shall be located far enough from the animal area of the housing facility to prevent odors, diseases, pests, and vermin infestation.

(3) Each licensee shall ensure that standing puddles of water in animal enclosures are drained or mopped up so that animals stay dry.

(4) Each licensee shall use trash containers in housing facilities and in food storage and food preparation areas that are leak-proof and shall keep tightly-fitted lids on the containers at all times.

(5) Dead animals, animal parts, and animal waste shall not be kept in food storage or food

preparation areas, food freezers, food refrigerators, or animal areas.

(h) Washrooms and sinks. Washing facilities shall be provided for animal caretakers and shall be readily accessible. Washing facilities may include washrooms, basins, sinks, or showers. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-2. Indoor housing facilities. (a) Definition. “Indoor housing facility” means any structure or building with environmental controls that houses or is intended to house animals and that is constructed in the following manner.

(1) The building or structure is constructed so that the temperature within the building or structure can be controlled within the limits set forth for that species of animal, humidity levels of 30 to 70 percent can be maintained, and odors can be eliminated rapidly from within the building.

(2) The building or structure is an enclosure created by the continuous connection of a roof, floor, and walls. A shed or barn set on top of the ground is not considered to have a continuous connection between the walls and the ground unless a foundation and floor are provided.

(3) The building or structure has at least one door for entry and exit that can be opened and closed. Any windows or openings which provide a natural light are covered with a transparent material, which may include glass or hard plastic.

(b) Heating, cooling, and temperature. Each retail breeder licensee operating an indoor housing facility for dogs and cats shall ensure that the indoor housing facility is sufficiently heated and cooled when necessary to protect dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian, a licensee operating an indoor housing facility shall not permit the ambient temperature in the facility to fall below 50° F. or 10° C. when any of the following dogs or cats are present:

(A) any dog or cat not acclimated to lower temperatures;

(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress or discomfort, including short-haired breeds; or

(C) any dog or cat that is sick, aged, young, or infirm.

(2) Each licensee shall provide dry bedding,

solid resting boards, or other methods of conserving body heat when the ambient temperature inside the facility is below 50° F. or 10° C.

(3) Each licensee shall ensure that, when dogs or cats are present, the ambient temperature in the facility does not fall below 45° F. or 7.2° C. for more than four consecutive hours, and does not rise above 85° F. or 29.5° C. for more than four consecutive hours.

(c) Ventilation. The licensee shall ensure that, when dogs or cats are present, each indoor housing facility for dogs and cats is sufficiently ventilated at all times to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, vents, fans, or air conditioning units. The licensee shall provide auxiliary ventilation when the ambient temperature is 85° F. or 29.5° C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning units. The licensee shall maintain the relative humidity at a level that ensures the health and well-being of the dogs or cats housed in the facility, in accordance with the directions of the attending veterinarian and generally accepted professional and husbandry practices.

(d) Lighting. Each licensee shall provide enough lighting for each indoor housing facility for dogs and cats to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Each animal area shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout the animal facility and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(e) Interior surfaces. The floors and walls of each indoor housing facility, and any other surfaces in contact with the animals, shall be impervious to moisture. The ceilings of each indoor housing facility shall be impervious to moisture or shall be replaceable. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-3. Sheltered housing facilities. (a) Definition. "Sheltered housing facility" means a

housing facility which provides the animals with the following:

- (1) shelter;
- (2) protection from the elements; and
- (3) protection from temperature extremes at all times.

A sheltered housing facility may consist of runs or pens which are totally enclosed in a barn or building, or outside runs or pens connecting with the inside pens in a totally enclosed building.

(b) Heating, cooling, and temperature. Each retail breeder licensee operating a sheltered housing facility for dogs and cats shall ensure that the sheltered portion of the facility is sufficiently heated and cooled when necessary to protect the dogs and cats from temperature extremes and to provide for their health and well-being.

(1) Except as approved by the attending veterinarian, the licensee shall not permit the ambient temperature in the sheltered portion of the facility to fall below 50° F. or 10° C. when any of the following dogs or cats are present:

(A) any dog or cat not acclimated to lower temperatures;

(B) any dog or cat of a breed that cannot tolerate lower temperatures without stress and discomfort, including short-haired breeds; or

(C) any dog or cat which is sick, aged, young, or infirm.

(2) Each licensee shall provide dry bedding, solid resting boards, or other methods of conserving body heat when the ambient temperature inside the sheltered portion of the facility is below 50° F. or 10° C.

(3) The licensee shall ensure that, when dogs or cats are present, the ambient temperature in the sheltered portion of the facility does not fall below 45° F. or 7.2° C. for more than four consecutive hours, and does not rise above 85° F. or 29.5° C. for more than four consecutive hours.

(c) Ventilation. The licensee shall ensure that the enclosed or sheltered portion of the housing facility is sufficiently ventilated at all times dogs or cats are present to provide for their health and well-being and to minimize odors, drafts, ammonia levels, and moisture condensation. Ventilation shall be provided by windows, doors, vents, fans, or air conditioning units. The licensee shall provide auxiliary ventilation when the ambient temperature is 85° F. or 29.5° C. or higher. Auxiliary ventilation may include fans, blowers, or air conditioning units.

(d) Lighting. Each licensee shall provide

enough lighting for each sheltered housing facility for dogs and cats which is sufficient to permit routine inspection and cleaning of the facility and observation of the dogs and cats. Each animal area shall be provided with a regular diurnal lighting cycle of either natural or artificial light. Lighting shall be uniformly diffused throughout animal facilities and shall provide sufficient illumination to aid in maintaining good housekeeping practices, adequate cleaning, adequate inspection of animals, and the well-being of the animals. Each primary enclosure shall be placed in a manner which protects the dogs and cats from excessive light.

(e) Shelter from the elements. Each licensee shall provide one or more shelter structures which adequately shelter the dogs or cats from the elements at all times to protect their health and well-being. The shelter structure or structures shall be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

(f) Surfaces.

(1) The following areas in sheltered housing facilities shall be impervious to moisture:

(A) Indoor floor areas in contact with the animals;

(B) outdoor floor areas in contact with the animals, when the floor areas are not exposed to the direct sun, or are made of a hard material, including wire, wood, metal, or concrete; and

(C) all walls, boxes, houses, dens, and other surfaces in contact with the animals.

(2) Outside floor areas in contact with the animals and exposed to the direct sun may be compacted earth, absorbent bedding, sand, gravel, or grass. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-4. Outdoor housing facilities. (a)

Definition. "Outdoor housing facility" means any structure, building, land, or premises:

(1) which houses or is intended to house animals;

(2) which does not meet the definition of any other type of housing facility provided in the regulations; and

(3) in which temperatures cannot be controlled with limits established by these regulations.

(b) Restrictions.

(1) A retail breeder licensee shall not keep any of the following categories of dogs or cats in out-

door facilities, unless that practice is specifically approved by the attending veterinarian:

(A) any dog or cat that is not acclimated to the temperatures prevalent in the area or region in which the animal is maintained;

(B) any dog or cat of a breed that cannot tolerate the prevalent temperatures of the area without stress or discomfort, including short-haired breeds in cold climates; and

(C) any dog or cat which is sick, infirm, aged, or young.

(2) If a licensee operating an outdoor housing facility does not know whether a dog or cat is acclimated, the licensee shall not keep such a dog or cat in the outdoor facility when the ambient temperature is less than 50° F. or 10° C.

(c) Shelter from the elements. Each outdoor facility for dogs or cats shall include one or more shelter structures that are accessible to each animal in the outdoor facility, and that are large enough to allow each animal in the shelter structure to sit, stand, and lie in a normal manner, and to turn about freely. In addition to the shelter structures, each licensee shall provide one or more separate, outside areas of which are large enough to contain all the animals at one time and protect them from the direct rays of the sun. Each shelter structure in an outdoor facility for dogs or cats shall contain a roof, four sides, and a floor, and shall:

(1) provide the dogs and cats with adequate protection and shelter from the cold and heat;

(2) provide the dogs and cats with protection from the direct rays of the sun and the direct effects of wind, rain, or snow;

(3) be provided with a wind break and rain break at the entrance; and

(4) contain clean, dry bedding material if the ambient temperature is below 50° F. or 10° C. The licensee shall provide additional clean, dry bedding material when the temperature is 35° F. or 1.7° C. or lower.

(d) Construction. All building surfaces in outdoor housing facilities which come into contact with animals shall be impervious to moisture. A licensee shall not use metal barrels, cars, refrigerators, freezers, or similar items as shelter structures. The floor of each outdoor housing facility may be compacted earth, absorbent bedding, sand, gravel, or grass.

(e) Maintenance. Each licensee shall replace floor materials if there are any prevalent odors, diseases, insects, pests, or vermin. The licensee

shall maintain all surfaces on a regular basis. The licensee shall replace the surfaces of outdoor housing facilities that cannot be readily cleaned and sanitized, including houses, dens, and similar structures, when the surfaces are worn or soiled. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-5. Primary enclosures. Each primary enclosure for dogs and cats shall meet the following minimum requirements.

(a) Definition. "Primary enclosure" means any structure or device used to restrict an animal or animals to a limited amount of space, including a room, pen, run, cage, compartment, hutch, and tether. In the case of animals restrained by a tether, primary enclosure shall include the shelter structure and the area within reach of the tether.

(b) General requirements.

(1) Each primary enclosure shall be designed and constructed of suitable materials so that it is structurally sound. Each retail breeder licensee shall keep the primary enclosure in good repair.

(2) Each primary enclosure shall be constructed and maintained so that the enclosure meets the following conditions:

(A) Has no sharp points or edges that could injure the dogs and cats;

(B) protects the dogs and cats from injury;

(C) contains the dogs and cats securely;

(D) keeps other animals from entering the enclosure;

(E) enables the dogs and cats to remain dry and clean;

(F) provides shelter and protection to all the dogs and cats from extreme temperatures and weather conditions that may be uncomfortable or hazardous;

(G) provides sufficient shade to shelter simultaneously all the dogs and cats housed in the primary enclosure;

(H) provides all the dogs and cats with easy and convenient access to clean food and water;

(I) enables all surfaces in contact with dogs and cats to be readily cleaned and sanitized in accordance with K.A.R. 9-25-6(b), or to be replaced when worn or soiled;

(J) has floors that are constructed in a manner that protects the dogs' and cats' feet and legs from injury. If the floor is constructed of mesh or with slats, the floor shall not allow the dogs' and cats'

feet to pass through any openings in the floor. Any metal strands used to construct a suspended floor for the primary enclosure shall be nine-gauge wire or wire that is greater than 1/8 of an inch in diameter or shall be coated with plastic, fiberglass, or a comparable material. Any suspended floor used in a primary enclosure shall be strong enough that the floor does not sag or bend between structural supports; and

(K) provides sufficient space to allow each dog and cat to turn about freely, to stand, sit, and lie in a comfortable, normal position, and to walk in a normal manner.

(c) Additional requirements for cats.

(1) Space. The licensee shall provide the following minimum vertical space and floor space for each cat that is housed in the primary enclosure, including any weaned kitten.

(A) Each primary enclosure housing cats shall be at least 24 inches or 60.96 cm. high.

(B) Each cat with a weight up to and including 8.8 lbs. or 4 kg. shall be provided with at least 3.0 sq. ft. or 0.28 m² of floor space.

(C) Each cat with a weight over 8.8 lbs. or 4 kg. shall be provided with at least 4.0 sq. ft. or 0.37 m² of floor space.

(D) Each queen with nursing kittens shall be provided with an additional amount of floor space, based on her breed and behavioral characteristics, and in accordance with generally accepted husbandry practices. If the additional amount of floor space available for each nursing kitten is less than five percent of the minimum requirement for the queen, the housing shall first be approved by the livestock commissioner, in writing, if the commissioner determines that, under the circumstances, the space is adequate to provide for the health and well-being of the queen and her kittens.

(E) The minimum floor space required by this regulation shall not include any space occupied by food or water pans. The litter pan may be considered part of the floor space if the pan is properly cleaned and sanitized.

(2) Litter. The licensee shall provide a receptacle in each primary enclosure that contains sufficient clean litter to contain excreta and other body wastes.

(3) Resting surfaces. Each primary enclosure housing cats shall contain one or more resting surfaces that, in the aggregate, are large enough to hold simultaneously all the occupants of the primary enclosure comfortably. Each resting surface shall be elevated, impervious to moisture, and eas-

ily cleaned and sanitized or easily replaced when soiled or worn. Low resting surfaces that do not allow the space under them to be comfortably occupied by the animal shall be counted as part of the floor space.

(d) Additional requirements for dogs.

(1) Space.

(A) The licensee shall provide a minimum amount of floor space for each dog housed in the primary enclosure, including each weaned puppy, which shall be calculated as follows:

(i) Find the result of the following formula: (the length of the dog in inches + 6 inches)² = required floor space in square inches; and

(ii) convert the result of the formula to square feet as follows: Required floor space in square inches/144 = required floor space in square feet.

The length of the dog shall be measured from the tip of the dog's nose to the base of the dog's tail.

(B) The licensee shall provide each bitch that has nursing puppies with an additional amount of floor space, based upon the dog's breed and behavioral characteristics, and in accordance with generally accepted husbandry practices, as determined by the attending veterinarian. The additional amount of floor space for each nursing puppy shall not be less than five percent of the minimum requirement for the bitch, unless the livestock commissioner first approves the housing based on a written determination that, under the circumstances, the space is adequate to provide for the health and well-being of the bitch and her puppies.

(C) The interior height of a primary enclosure shall be at least six inches higher than the head of the tallest dog in the enclosure in a normal standing position.

(2) Prohibited types of primary enclosures for dogs. The tethering of dogs shall be prohibited for use as a permanent primary enclosure. The tethering of dogs on a temporary basis shall be prohibited for use as a primary enclosure, unless the livestock commissioner determines that tethering for a limited, specified period of time will not adversely affect the health and well-being of the dog.

(e) Innovative primary enclosures. Any licensee may use an innovative primary enclosure not precisely meeting the floor area and height requirements provided in this regulation, if the livestock commissioner determines that the primary enclosure will provide the dogs or cats with a sufficient volume of space and the opportunity to express

species-typical behavior. (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; amended, T-9-7-1-03, July 1, 2003; amended Oct. 31, 2003.)

9-25-6. Cleaning, sanitization, house-keeping, and pest control. (a) Cleaning of primary enclosures.

(1) Each retail breeder licensee shall remove excreta and food waste from the inside of each primary enclosure daily and from under primary enclosures as often as necessary to prevent an excessive accumulation of feces and food waste, to prevent the soiling of the dogs or cats contained in the primary enclosures, and to reduce disease hazards, insects, pests, and odors.

(2) When steam or water is used to clean the primary enclosure, whether by hosing, flushing, or other methods, the licensee shall remove the dogs and cats, unless the enclosure is large enough to ensure that the animals would not be harmed, wetted, or distressed in the process. The licensee shall remove all standing water from the primary enclosure and shall protect animals in other primary enclosures from contamination with water and other wastes during the cleaning.

(3) The licensee shall clean the pans under each primary enclosure with a grill-type floor and the ground area under each raised run with a wire, mesh, or slatted floor as often as necessary to prevent accumulation of feces and food waste and to reduce disease hazards, pests, insects, and odors.

(b) Sanitization of primary enclosures and food and water receptacles.

(1) Each licensee shall clean and sanitize each used primary enclosure and each used food and water receptacle using one of the methods prescribed in paragraph (b)(3) before the primary enclosure or food and water receptacle is used to house, feed, or water another dog, cat, or social grouping of dogs or cats.

(2) The licensee shall sanitize all used primary enclosures and food and water receptacles for dogs and cats at least once every two weeks using one of the methods prescribed in paragraph (b)(3), and more often if necessary to prevent an accumulation of dirt, debris, food waste, excreta, and other disease hazards.

(3) Each licensee shall sanitize hard surfaces of primary enclosures and food and water receptacles using one of the following methods:

(A) Spraying all surfaces with live steam under pressure;

(B) washing all surfaces with hot water that is at least 180° F or 82.2° C and with soap or detergent, using a mechanical cage washer or similar device; or

(C)(i) Washing all soiled surfaces with appropriate detergent solutions and disinfectants, or with a product that is a combination of a detergent and a disinfectant that accomplishes the same purpose;

(ii) thoroughly cleaning the surfaces to remove all organic material and mineral buildup and to provide sanitization; and

(iii) rinsing with clean water.

(4) Each licensee shall sanitize all pens, runs, and outdoor housing areas containing material that cannot be sanitized using the methods provided in paragraph (b)(3), including gravel, sand, grass, earth, or absorbent bedding, by removing the contaminated material as necessary to prevent odors, diseases, pests, insects, and vermin infestation.

(c) Housekeeping for premises. Each licensee shall keep the premises where the housing facilities are located, including buildings and surrounding grounds, clean and in good repair to protect the animals from injury, to facilitate the husbandry practices required in this article, and to reduce or eliminate breeding and living areas for rodents and other pests and vermin. The licensee shall keep the premises free of accumulations of trash, junk, waste products, and discarded matter. The licensee shall control weeds, grasses, and bushes so as to facilitate cleaning of the premises and pest control, and to protect the health and well-being of the animals.

(d) Pest control. Each licensee shall establish and maintain an effective program for the control of insects, external parasites affecting dogs and cats, and birds and mammals that are pests so as to promote the health and well-being of the animals and reduce contamination by pests in animal areas. (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; amended, T-9-7-1-03, July 1, 2003; amended Oct. 31, 2003.)

9-25-7. Compatible grouping. With the following additional restrictions, each retail breeder licensee shall ensure that dogs and cats that are housed in the same primary enclosure are compatible, as determined from observation.

(a) The licensee shall not house females in heat

or estrus in the same primary enclosure with sexually mature males, except for breeding purposes.

(b) The licensee shall house any dog or cat exhibiting a vicious or overly aggressive disposition separately.

(c) The licensee shall not house puppies or kittens four months of age or less in the same primary enclosure with adult dogs or cats other than their dams or foster dams, except when permanently maintained in breeding colonies. Except when maintained in breeding colonies, queens or bitches with litters shall not be housed in the same primary enclosure with other adult cats or dogs.

(d) Dogs or cats shall not be housed in the same primary enclosure with any other species of animals, unless they are compatible.

(e) The licensee shall isolate dogs and cats that have or are suspected of having a contagious disease from healthy animals in the colony, as directed by the attending veterinarian. When an entire group or room of dogs and cats is known or believed to have been exposed to an infectious agent, the group may be kept intact during the process of diagnosis, treatment, and control.

(f)(1) The licensee shall not house more than 12 adult non-conditioned cats in the same primary enclosure. The licensee shall not house more than 12 adult non-conditioned dogs in the same primary enclosure.

(2) "Non-conditioned" means that an animal has not been subjected to special care and treatment for a sufficient time for the animal to stabilize, and where necessary, to improve its health. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-8. Exercise for dogs. Each retail breeder licensee shall develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. The attending veterinarian shall approve the plan. The licensee shall make the plan available to the livestock commissioner upon request. The plan shall include written standard procedures to be followed in providing the opportunity for exercise. At a minimum, the plan shall comply with each of the following requirements.

(a) Dogs housed individually. The licensee shall provide the opportunity for exercise regularly to each dog over 12 weeks of age, except bitches with litters, which are housed, held, or

maintained by the licensee individually in cages, pens, or runs that provide less than two times the required floor space for that dog, as indicated in K.A.R. 9-25-5(d)(1).

(b) Dogs housed in groups. Any licensee housing, holding, or maintaining dogs over 12 weeks of age in groups shall not be required to provide additional opportunities for regular exercise if the dogs are maintained in cages, pens, or runs that provide, in total, at least 100 percent of the space required in K.A.R. 9-25-5(d)(1) for dogs which are maintained separately. Such animals may be maintained in compatible groups, unless:

(1) in the opinion of the attending veterinarian, such a housing arrangement would adversely affect the health or well-being of one or more dogs; or

(2) any dog exhibits aggressive or vicious behavior.

(c) Methods and period of providing exercise opportunity.

(1) The attending veterinarian shall determine the frequency, method, and duration of the opportunity for exercise.

(2) In developing the plan, each licensee shall consider providing positive physical contact with humans that encourages exercise through play or other similar activities. If a dog is housed, held, or maintained at a facility without sensory contact with another dog, the licensee shall provide the dog with positive physical contact with humans at least daily.

(3) The opportunity for exercise may include the following:

(A) providing group housing in cages, pens, or runs that provide at least 100 percent of the space that is required under the minimum floor space requirements of K.A.R. 9-25-5(d)(1) for dogs maintained separately;

(B) maintaining individually-housed dogs in cages, pens, or runs that provide at least twice the minimum floor space required by K.A.R. 9-25-5(d)(1);

(C) providing access to a run or open area at the frequency and duration prescribed by the attending veterinarian; or

(D) other similar activities.

(4) Forced exercise methods or devices, including swimming, treadmills, or carousel-type devices, shall not meet the exercise requirements of this regulation.

(d) Exemptions.

(1) If in the opinion of the attending veterinarian,

it is inappropriate for certain dogs to exercise because of their health, condition, or well-being, the licensee may be exempted from meeting the requirements of this regulation for those dogs. The attending veterinarian shall document such an exemption, and unless the basis for exemption is a permanent condition, shall review the exemption at least every 30 days.

(2) The licensee shall maintain records of any exemptions. These records shall be made available to the livestock commissioner upon request. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-9. Feeding. (a) Each retail breeder licensee shall feed all dogs and cats at least once each day, except as otherwise might be required to provide adequate veterinary care. The food shall be uncontaminated, wholesome, palatable, and of sufficient quantity and nutritive value to maintain the normal condition and weight of the animal. The diet shall be appropriate for the individual animal's age and condition.

(b)(1) Each licensee shall provide food receptacles for dogs and cats, which shall:

(A) be readily accessible to all dogs and cats;

(B) be located so as to minimize contamination by excreta and pests;

(C) be protected from rain and snow; and

(D) be disposable or made of a durable material that can be easily cleaned and sanitized. If the food receptacles are not disposable, the licensee shall keep the receptacles clean and sanitized using one of the methods described in K.A.R. 9-25-6(b). If the food receptacles are disposable, the licensee shall discard the receptacles after one use.

(2) Any licensee may use self-feeders for feeding dry food. If self-feeders are used, the licensee shall keep the self-feeders clean and sanitized in accordance with K.A.R. 9-25-6(b). Each licensee shall take measures to ensure that there is no molding, deterioration, or caking of feed. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-10. Watering. If potable water is not continually available to the dogs and cats, the retail breeder licensee shall offer potable water to the dogs and cats as often as necessary to ensure

their health and well-being, but not less than twice daily for at least one hour each time, unless restricted by the attending veterinarian. Each licensee shall make potable water continuously available if the ambient temperature is more than 85° F. In accordance with K.A.R. 9-25-6(b), each licensee shall keep the water receptacles clean and sanitized while in use and shall clean and sanitize water receptacles before they are used to water a different dog, cat, or social grouping of dogs or cats. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-11. Employees. Each retail breeder licensee shall employ enough individuals to carry out the level of husbandry practices and care required in article 25 of these regulations. Each employee who provides husbandry and care, or who handles animals, shall be supervised by an individual who has the knowledge, background, and experience in proper husbandry and care of dogs and cats to supervise others. The licensee shall ensure that the supervisor and other employees can perform to these standards. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-12. Age of animal. A retail breeder licensee shall not sell or exchange any dog or cat unless the dog or cat is at least eight weeks of age and has been weaned. "Weaned" means that an animal has become accustomed to taking solid food and has done so, without nursing, for a period of at least five days. (Authorized by and implementing K.S.A. 47-1712; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996; amended, T-9-7-1-03, July 1, 2003; amended Nov. 7, 2003.)

9-25-13. Access to and inspection of records and property. Each retail breeder licensee shall, during business hours, allow the livestock commissioner or the commissioner's representatives to take any of the following actions:

- (a) enter its place of business;
- (b) examine records required to be kept under K.A.R. 9-25-14;
- (c) make copies of the records;
- (d) inspect and photograph the facilities, property, and animals to the extent the livestock commissioner or the commissioner's representatives

consider necessary to enforce the Kansas pet animal act, and article 25 of these regulations;

(e) document, by the taking of photographs and other means, conditions and areas of noncompliance; and

(f) use a room, table, or other facility necessary for the proper examination of the records and inspection of the property or animals. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-14. Records. (a) Each retail breeder licensee shall keep and maintain records for each animal purchased, acquired, held, transported, sold, or disposed of in some other manner. The records shall include the following:

(1) the name and address of the person from whom each animal was acquired;

(2) the date each animal was acquired;

(3) a description of each animal, including the following:

(A) the animal's age, size, color markings, sex, and breed;

(B) any available information regarding vaccinations; and

(C) any other significant identification for each animal, including any official tag number, microchip, or tattoo; and

(4) the name and address of the person to whom any animal is sold, given, bartered, or otherwise delivered and the date the transaction took place. The record shall show the method of disposition.

(b) Each licensee shall store records on the premises where the animals are located and shall make the records available for inspection.

(c) Each licensee shall keep records for the current fiscal year and the previous fiscal year. (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

9-25-15. Adequate medical veterinary care. Each retail breeder licensee shall have an attending veterinarian who shall provide, to the licensee's animals, adequate veterinary care, as defined in K.S.A. 47-1701(dd). (Authorized by and implementing K.S.A. 1995 Supp. 47-1712, as amended by Sub. for 1996 HB 2607, § 15; effective, T-9-7-1-96, July 1, 1996; effective Nov. 15, 1996.)

Article 26.—EUTHANASIA

9-26-1. Euthanasia methods. (a) Adoption by reference. The report entitled “2000 Report of the AVMA Panel on Euthanasia,” in the journal of the American veterinary medical association (JAVMA), vol. 218, no. 5, pages 669-696, including all tables, references, and appendices, as published on March 1, 2001, is adopted by reference.

(b) Acceptable methods of euthanasia. Each licensee shall use only those methods of euthanasia identified in the “2000 Report of the AVMA Panel on Euthanasia” as “acceptable” forms of euthanasia for the species of animal that is to be euthanized.

(c) Proper handling of animals during euthanasia procedure. Each licensee and permit holder who euthanizes animals shall follow the recommendations and guidelines for the handling and care of animals during the euthanasia process, as set out in the “2000 Report of the AVMA Panel on Euthanasia.” (Authorized by K.S.A. 47-1712; implementing K.S.A. 47-1718; effective Nov. 15, 1996; amended, T-9-7-1-03, July 1, 2003; amended Oct. 31, 2003.)

Article 27.—REPORTABLE DISEASES

9-27-1. Designation of infectious or contagious diseases. The following diseases shall be designated as reportable infectious or contagious animal diseases and shall be reported in accordance with K.S.A. 47-622:

- (a) anthrax;
- (b) all species of brucellosis;
- (c) equine infectious anemia;
- (d) hog cholera;
- (e) pseudorabies;
- (f) psoroptic mange;
- (g) rabies;
- (h) tuberculosis;
- (i) vesicular stomatitis;
- (j) avian influenza;
- (k) pullorum;
- (l) fowl typhoid;
- (m) psittacosis;
- (n) viscerotropic velogenic Newcastle disease;
- (o) foot and mouth disease;
- (p) rinderpest;
- (q) African swine fever;
- (r) piroplasmosis;
- (s) vesicular exanthema;
- (t) Johne’s disease;

- (u) scabies;
- (v) scrapies;
- (w) bovine leukosis; and
- (x) other diseases determined to be reportable by the livestock commissioner. (Authorized by K.S.A. 47-610 and 47-1832; implementing K.S.A. 47-610 and 47-622; effective Jan. 23, 1998.)

Article 28.—BRUCELLA OVIS

9-28-1. Definitions. As used in these regulations, the terms below shall have the following definitions. (a) “Brucella ovis” means an infectious, contagious disease of sheep characterized by ram epididymitis.

(b) “Brucella ovis-free flock” means a flock of sheep in which all test-eligible rams annually have two negative serology tests 45 to 120 days apart.

(c) “Individual identification” means any of the following:

- (1) an official United States department of agriculture metal ear tag; or
- (2)(A) a microchip;
- (B) a tattoo;
- (C) a physical description; or
- (D) any other means that clearly identifies the animal.

(d) “Official serology test” means the following:

- (1) the collection of samples by a licensed, federally accredited veterinarian; and
- (2) the submission of the samples to a laboratory registered with the animal health department and approved by the livestock commissioner to conduct tests to identify brucella ovis.

(e) “Test-eligible ram” means any ram six months of age or older that was not born in the year of the test. (Authorized by K.S.A. 47-607d and K.S.A. 47-610; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

9-28-2. Brucella ovis tests. (a) Any owner of a flock of sheep may apply for a certificate certifying that flock as a brucella ovis-free flock when the flock meets the following requirements.

(1) Each ram in the flock shall have an individual identification.

(2) Each test-eligible ram shall test negative on two official serology tests 45 to 120 days apart. Each ram shall be exempt from testing in the year of its birth.

(b) Each owner of a flock of sheep satisfactorily completing the test requirements under subsection (a) for a brucella ovis-free flock shall be issued

a certificate certifying the flock of sheep as a brucella ovis-free flock by the Kansas animal health department. The certificate shall be valid for one year from the date of certification.

(c) To continue the brucella ovis-free flock certification, each test-eligible ram shall test negative annually. Each owner of one or more brucella ovis-free flocks shall be notified by mail of recertification requirements no fewer than 30 days before the expiration of the brucella ovis-free flock status. (Authorized by K.S.A. 47-607d and K.S.A. 47-610; implementing K.S.A. 47-610; effective Jan. 23, 1998.)

Article 29.—CERVIDAE

9-29-1. Definitions. As used in this article, these terms shall have the following definitions. (a) “Cervidae,” as used in K.S.A. 1996 Supp. 47-1001, means the family of ruminant mammals bearing deciduous, branched solid antlers, including deer, moose, elk, and caribou.

(b) “Domesticated deer permit” means the permit required by K.S.A. 47-2101 to sell or raise any member of the family cervidae.

(c) “Adult domesticated deer” means any member of the cervidae family that is 12 months of age or older.

(d) “Eligible for brucellosis testing” means any sexually intact domesticated deer six months of age or older, but does not include any species designated by the livestock commissioner as “non-susceptible” to brucellosis. Such a designation shall be based on a written confirmation from the United States department of agriculture, animal and plant health inspection service, veterinary services, that the species is not considered susceptible to brucellosis.

(e) “Eligible for tuberculosis testing” means any domesticated deer six months of age or older. (Authorized by and implementing K.S.A. 47-2101; effective Jan. 23, 1998.)

9-29-2. Fees. (a) Each applicant for an annual domesticated deer permit issued pursuant to K.S.A. 47-2101 *et seq.*, and any amendments thereto, shall pay the application fee as set forth below:

- | | |
|---|----------|
| (1) 1 to 4 domesticated deer | \$ 25.00 |
| (2) 5 to 9 domesticated deer | \$ 50.00 |
| (3) 10 to 19 adult domesticated deer | \$ 75.00 |
| (4) 20 or more domesticated deer | \$100.00 |
| (b) Only those individuals with a current do- | |

mesticated deer permit may raise domesticated deer.

(c) Each applicant shall submit the application for a domesticated deer permit at least 30 days before purchasing any domesticated deer.

(d) Except as provided further, when an individual required to obtain a permit under K.S.A. 47-2101 *et seq.* applies for an initial permit, the permit fee established in subsection (a) may be prorated to the nearest quarter by the commissioner. Determination of whether the application is an initial application or an application for an individual who has been doing business but has not obtained the required permit shall be made at the commissioner's discretion. If the commissioner determines the individual has been doing business without a permit, the fee shall not be prorated. (Authorized by and implementing K.S.A. 47-2101; effective Jan. 23, 1998.)

9-29-3. Records. Each holder of a domesticated deer permit shall maintain records for each domesticated deer purchased, acquired, held, transported, sold, or disposed of in some other manner. The records shall include the following information: (a) the name and address of the person from whom each domesticated deer was acquired;

(b) the date each domesticated deer was acquired, or if born on the premises; the year of birth of the domesticated deer;

(c) a description of each domesticated deer, including the following characteristics:

- (1) the age;
- (2) the size;
- (3) the color marking;
- (4) the sex;
- (5) the breed;
- (6) any information available regarding vaccinations and testing; and
- (7) any other significant identification for each domesticated deer, including these types of identification:

- (A) an official microchip identification;
 - (B) an ear tag;
 - (C) an ear tattoo;
 - (D) an ear notch; or
 - (E) any other permanent identification required by K.S.A. 47-2101(g);
- (d) the name and address of the person to whom any domesticated deer is sold, given, or bartered, or to whom the domesticated deer is

otherwise delivered, and the method of disposition; and

(e) if the domesticated deer dies, is euthanized, or is slaughtered, the following additional information:

- (1) the date of the death of the animal;
- (2) the cause of death of the animal; and
- (3) the method of disposition of the animal.

(Authorized by and implementing K.S.A. 47-2101; effective Jan. 23, 1998.)

9-29-4. Health certificates and importation permits. (a) Each cervidae entering Kansas shall be identified by one of the methods stated in K.A.R. 9-29-3(c)(7) and shall be accompanied by an official health certificate or certificate of veterinary inspection on a form approved by the livestock commissioner.

(b) Each individual importing cervidae into Kansas shall obtain a permit from the Kansas animal health department before the cervidae enters Kansas. The cervidae shall not be allowed entry into Kansas without this permit.

(c) Cervidae originating from free-roaming herds located within Yellowstone national park or the 20-mile zone surrounding Yellowstone national park shall be prohibited in Kansas.

(d) Each cervidae transported within the state of Kansas shall be accompanied by a transportation permit on a form provided by the Kansas animal health department. To obtain a transportation permit, the applicant shall possess a current cervidae permit and provide written proof of ownership for each cervidae being transported. (Authorized by K.S.A. 1996 Supp. 47-607 and K.S.A. 47-607d; implementing K.S.A. 1996 Supp. 47-607 and K.S.A. 47-607a; effective Jan. 23, 1998.)

9-29-5. Brucellosis. (a) Each cervidae that is eligible for brucellosis testing, that is entering Kansas from a state that does not have a high incidence of brucellosis, as determined by the livestock commissioner of Kansas, or is changing ownership within Kansas, and that is not intended for immediate slaughter shall meet one of the following requirements.

(1) The cervidae shall originate from and be a part of a certified brucellosis-free herd.

(2) The cervidae shall test negative for brucellosis, using an official test within 30 days before entry into Kansas or upon change of ownership.

(b) Each brucellosis test, regardless of method, shall be confirmed at a state-federal cooperative laboratory.

(c) Each cervidae that is eligible for brucellosis testing and is from a non-quarantined herd moving into Kansas from any state having a high incidence of brucellosis, as determined by the livestock commissioner of Kansas, shall test negative for brucellosis, using an official test, within 30 days before shipment into Kansas.

(d) Unless originating from a certified brucellosis-free herd, each cervidae that is eligible for brucellosis testing and is imported into Kansas from a state having a high incidence of brucellosis, except those cervidae consigned directly to slaughter or to a licensed feed lot, shall be placed under quarantine upon arrival at the Kansas destination and shall be held in isolation from all other susceptible species. Such a cervidae shall be re-tested not less than 45 days and not more than 180 days after arrival in Kansas. The re-test shall be at the owner's expense. Additional tests may be required if deemed necessary by the livestock commissioner.

(e) The owner of any herd infected with brucellosis shall take the following steps:

(1) quarantine and depopulate the herd; or

(2) agree to and implement a plan approved by the livestock commissioner to eradicate the disease from the infected herd. (Authorized by K.S.A. 1996 Supp. 47-607, K.S.A. 47-607d, 47-610, 47-611, and 47-657; implementing K.S.A. 1996 Supp. 47-607, K.S.A. 47-608, 47-610, 47-612, 47-614, and 47-657; effective Jan. 23, 1998.)

9-29-6. Tuberculosis. (a) Each cervidae, other than those captured from the wild, that is test-eligible for tuberculosis, that is entering Kansas or changing ownership within Kansas, and that is not intended for immediate slaughter shall meet one of the following requirements:

(1) The cervidae shall originate from and be a part of an accredited tuberculosis-free herd.

(2) The cervidae shall test negative for tuberculosis, using an official test, within 60 days before entry into Kansas or change of ownership.

(b) Any cervidae that meets all of the following conditions shall test negative for tuberculosis, using an official test administered twice and at least 90 days apart, but not more than 150 days before entry:

(1) Is captured from the wild;

(2) is test-eligible for tuberculosis;

(3) is entering Kansas; and

(4) is not intended for immediate slaughter.

(c) The owner of any herd infected with tuberculosis shall take one of the following steps:

- (1) Depopulate the herd; or
- (2) agree to and implement a plan approved by the livestock commissioner to eradicate the disease from the infected herd.

(d) Any imported cervidae may be quarantined for a re-test for tuberculosis by order of the livestock commissioner. The re-test shall be at the owner's expense. (Authorized by K.S.A. 1998 Supp. 47-607, K.S.A. 47-607d, 47-610, 47-611, and 47-631; implementing K.S.A. 1998 Supp. 47-607, K.S.A. 47-608, 47-610, 47-612, 47-614, 47-631, 47-632, 47-633a, 47-634, and K.S.A. 1998 Supp. 47-635; effective Jan. 23, 1998; amended July 2, 1999.)

9-29-7. Confinement, handling, husbandry, and health. (a) Perimeter fencing.

(1) Each owner shall confine domesticated deer in a manner designed to prevent escape.

(2) Each owner shall provide perimeter fencing, which shall meet the following requirements:

- (A) provide an escape-proof barrier;
- (B) be structurally sound;
- (C) be in good repair; and
- (D) be of sufficient height to prevent escape, but not less than eight feet for elk, whitetail deer, and mule deer, and not less than six feet for all other types of domesticated deer. Perimeter fencing constructed before the effective date of this regulation that does not meet these height requirements may be utilized subject to written approval by the livestock commissioner.

(b) Facilities.

(1) Each owner shall provide handling facilities, which shall be adequate to allow each domesticated deer to be physically handled without undue harm to the domesticated deer or the handler.

(2) Each access lane and catch pen shall be constructed of materials and shall be of a design that is adequate to safely contain domesticated deer for any inspection, identification, testing, quarantine, or other action required by the livestock commissioner.

(c) Herd management. The owner shall provide each domesticated deer with free access to the following:

- (1) clean water;
- (2) adequate feed;
- (3) appropriate shelter, natural or otherwise; and

(4) protection from predators.

(d) Health. Each owner or handler of domesticated deer shall conform to all federal and state rules and regulations for contagious and communicable disease. (Authorized by K.S.A. 47-2101; implementing K.S.A. 47-122; effective Jan. 23, 1998.)

9-29-8. Recovery or destruction of escaped domesticated deer. (a) The owner of any domesticated deer that has escaped confinement shall bear the cost of recovering the domesticated deer.

(b) The owner of either of the following types of domesticated deer shall immediately destroy the domesticated deer upon the order of the livestock commissioner:

(1) an escaped domesticated deer that is infected with or has been exposed to any infectious or contagious disease; or

(2) an escaped domesticated deer that is deemed by the livestock commissioner to constitute a hazard to livestock or wildlife through the spread of disease. (Authorized by K.S.A. 47-610; implementing K.S.A. 47-122, 47-610 and 47-614; effective Jan. 23, 1998.)

9-29-9. Public sales and auction. Each owner of a domesticated deer sold at a public auction or an exotic animal sale shall conform to the brucellosis and tuberculosis test requirements for animals imported into Kansas that are established by K.A.R. 9-29-5 and K.A.R. 9-25-6. (Authorized by K.S.A. 1996 Supp. 47-607, 47-607d, 47-610, 47-611, 47-631, and 47-657; implementing K.S.A. 1996 Supp. 47-607, K.S.A. 47-610, 47-631, and 47-657; effective Jan. 23, 1998.)

9-29-10. Handling, care, treatment, and transportation. "Specifications for the Humane Handling, Care, Treatment, and Transportation of Warm-blooded Animals Other Than Dogs, Cats, Rabbits, Hamsters, Guinea Pigs, Non-human Primates, and Marine Mammals," 9 CFR, Ch. 1: Subpart F, 3.125 as in effect November 2, 1979, Sec. 3.126 through 3.135, as in effect July 22, 1979, Sec. 3.136 as in effect November 2, 1979, and Sec. 3.137 through 3.142 as in effect July 22, 1979, are hereby adopted by reference. (Authorized by K.S.A. 47-607d; implementing K.S.A. 47-608 and 47-2101; effective Jan. 23, 1998.)

9-29-11. Tuberculosis. "Uniform Methods and Rules for Tuberculosis Eradication in

Cervidae,” published by the USDA, animal and plant health inspection service, as in effect May 15, 1994, is hereby adopted by reference. (Authorized by K.S.A. 47-607d, 47-610, and 47-631; implementing K.S.A. 47-608, 47-610, 47-611 and 47-631; effective Jan. 23, 1998.)

9-29-12. Definitions. As used in these regulations, the terms below shall have the following definitions. (a) “Affected herd” means any cervidae herd in which the carcass of an animal tested positive for chronic wasting disease (CWD) using an approved test conducted at an approved laboratory.

(b) “Approved laboratory” means any laboratory approved to test for CWD by the animal and plant health inspection administrator of the United States department of agriculture.

(c) “Approved test” means any test used for detecting CWD that is approved by the animal and plant health inspection service administrator of the United States department of agriculture.

(d) “Chronic wasting disease” and “CWD” mean a nonfebrile, transmissible spongiform encephalopathy that is insidious and degenerative and that affects the central nervous system of cervidae.

(e) “Commingling” means grouping animals in a manner in which physical contact among animals may occur, including maintaining animals in a pasture or enclosure. Commingling shall not include holding animals at a sale, during transportation, or in other situations in which only limited contact is involved.

(f) “Commissioner” means the livestock commissioner.

(g) “CWD-positive animal” means any cervidae that tests positive on an approved test at an approved laboratory.

(h) “CWD-suspect animal” means any cervidae that showed clinical signs of the disease before death, but whose results on an approved test are inconclusive.

(i) “Herd” means a group of animals maintained on the same premises, or two or more groups of animals maintained in a manner that results in commingling.

(j) “Herd inventory” means an accounting that lists each animal 12 months of age or older by its sex, age, and official identification and that is confirmed by an accredited veterinarian or by a representative of the commissioner.

(k) “Herd status” means one of the five CWD

herd classification levels indicating the probability that the herd is not affected by the disease, which is determined by the length of time the herd has been monitored for CWD, has been found to be free of clinical symptoms of CWD, and has had negative results on all approved tests on the carcasses of animals that die while in the participating herd. If an animal is added to the participating herd from a herd with a lower herd status or from a herd with an unknown herd status, the status of the receiving herd shall be lowered to the status of the herd from which the animal was transferred or to the lowest herd status if the status of the transferring herd is not known.

(l) “Official identification” means the identification required by K.S.A. 47-2101, and amendments thereto, which for animals in participating herds shall be in the form of an official USDA metal ear tag, a North American elk breeders’ association registered tattoo, a microchip, or any other type of identification approved by the commissioner.

(m) “Participating herd” means any herd enrolled in the chronic wasting disease monitoring program.

(n) “Premises” means the grounds, area, and buildings occupied by the herd and equipment used in the husbandry of the herd.

(o) “Program” means the chronic wasting disease monitoring program. (Authorized by K.S.A. 47-607d, 47-610, and 47-2101, as amended by L. 2001, Ch. 5, Sec. 176; implementing K.S.A. 47-610 and 47-2101, as amended by L. 2001, Ch. 5, Sec. 176; effective Jan. 18, 2002.)

9-29-13. Requirements to participate in the chronic wasting disease program. (a) Each participating herd shall be maintained or held only on premises for which a current domesticated deer permit has been issued by the commissioner.

(b) Each application for enrollment of a herd in the program shall be submitted on a form provided by the commissioner and shall include the following:

(1) Documentation that a current domesticated deer permit has been issued for the premises on which the herd is held or maintained;

(2) a copy of an initial herd inventory, including documentation of at least two forms of official identification for each animal; and

(3) adequate herd records and documentation of the history of the herd over a minimum of the previous three years, including the following:

(A) For each animal added to the herd, any available records documenting the herd status of the herd from which the animal was transferred; and

(B) records establishing that no animal has displayed any clinical signs of CWD and that the herd has not had any CWD-positive animals.

(c) A herd inventory shall be completed annually and confirmed by an accredited veterinarian or by a representative of the commissioner. Each inventory report shall be filed no less than 11 months and no more than 13 months after the last anniversary date of the participating herd's enrollment in the program.

(d) An approved test shall be administered to the carcass of each animal that is 16 months of age or older at the time it dies, unless an exception is granted by the commissioner. (Authorized by K.S.A. 47-607d, 47-610, and 47-2101, as amended by L. 2001, Ch. 5, Sec. 176; implementing K.S.A. 47-610 and 47-2101, as amended by L. 2001, Ch. 5, Sec. 176; effective Jan. 18, 2002.)

9-29-14. Program levels. Each participating herd shall be assigned to one of the following levels of herd status, based on the number of years that the participating herd has been under surveillance with no evidence of disease and subject to reassignment based on the herd status of each herd from which one or more animals are transferred into the participating herd.

(a) Standard track.

(1) Each participating herd that has not included any CWD-positive animals or animals displaying clinical signs of CWD within the three preceding years shall be eligible to enroll in the program. Each participating herd that has been enrolled in the program for less than 12 months shall be assigned to a "level I" herd status.

(2) Each participating herd that has been enrolled in the program for a minimum of 12 months and that has not included any CWD-positive animals or animals displaying clinical symptoms of CWD at any time within the four preceding years shall be assigned to a "level II" status.

(3) Each participating herd that has been enrolled in the program for a minimum of 24 months and that has not included any CWD-positive animals or animals displaying clinical symptoms of CWD at any time within the preceding five years shall be assigned to a "level III" herd status.

(4) Each participating herd that has been enrolled in the program for a minimum of 48 months

and that has not included any CWD-positive animals or animals displaying clinical symptoms of CWD at any time within the preceding seven years shall be assigned to a "level IV" herd status.

(5) Each participating herd that has been enrolled in the program for a minimum of 72 months and that has not included any CWD positive animals or animals displaying clinical symptoms of CWD at any time within the preceding nine years shall be assigned to a "level V" herd status.

(b) Accelerated program.

(1) Any participating herd for which the commissioner determines that an adequate, accurate herd history and records have been provided documenting that the herd has not included any CWD-positive animals or animals displaying clinical symptoms of CWD at any time within the four preceding years may be assigned to a level II herd status upon initial enrollment in the program.

(2) Any participating herd for which the commissioner determines that an adequate, accurate herd history and records have been provided documenting that the herd has not included any CWD-positive animals or animals displaying clinical symptoms of CWD at any time within the five preceding years may be assigned to a level III herd status upon initial enrollment in the program.

(c) Introduction of new animals into a participating herd. If a new animal is introduced into a participating herd from a herd with a lower herd status level or from a herd with an unknown herd status, the herd status of the receiving herd shall be lowered to the status of the herd from which the animal was transferred or to level I herd status if the status of the transferring herd is not known. The participating herd shall be assigned to the next herd status level if the new animal has been under surveillance and has not shown any clinical symptoms of CWD for the same minimum number of years that participating herds are required to be free of any symptoms in order to be eligible for that next level. (Authorized by K.S.A. 47-607d, 47-610, and 47-2101, as amended by L. 2001, Ch. 5, Sec. 176; implementing K.S.A. 47-610 and 47-2101, as amended by L. 2001, Ch. 5, Sec. 176; effective Jan. 18, 2002.)

9-29-15. Affected herds. Each affected herd shall be subject to the following provisions:

(a) A herd quarantine shall be issued by the commissioner immediately after receiving a re-

port from an approved laboratory of a positive test for an animal from a participating herd.

(b) A herd plan shall be developed in a timely manner by a representative of the commissioner and the owner.

(c) Each domesticated deer permittee shall notify the commissioner of the death of any animal in an affected herd. The notice shall be given to the commissioner within 24 hours of the discovery of the animal's death. An approved test shall be administered by a designee of the commissioner to the carcass of each animal in the affected herd that dies.

(d) If an animal in an affected participating herd shows symptomatic or clinical signs of CWD, the domesticated deer permittee shall notify the commissioner. The animal shall be sacrificed and administered an approved test by a designee of the commissioner.

(e) The carcass of each animal that has a positive CWD result on an approved test shall be disposed of only by a method and at a site approved by the commissioner.

(f) The owner of an affected herd may apply to reenroll the herd in the program with a level I herd status under the standard track after three consecutive years in which there are no animals in the herd with any clinical signs of CWD and no positive results on an approved test.

(g) The quarantine on the affected herd shall be removed if the herd achieves a herd status of level II. (Authorized by K.S.A. 47-607, 47-607d, 47-610, and 47-2101, as amended by L. 2001, Ch. 5, Sec. 176; implementing K.S.A. 47-607, 47-610, 47-614, 47-622, and 47-2101, as amended by L. 2001, Ch. 5, Sec. 176; effective Jan. 18, 2002.)

Article 30.—EQUINE INFECTIOUS ANEMIA

9-30-1. Notification. Each testing laboratory approved by the United States department of agriculture (USDA) shall notify the livestock commissioner of the test results for each equidae of Kansas origin that is tested for equine infectious anemia and that is bled within the state of Kansas. The testing laboratory shall report positive test results within 48 hours. (Authorized by K.S.A. 1996 Supp. 47-607 and K.S.A. 47-610; implementing K.S.A. 47-622; effective Jan. 23, 1998.)

9-30-2. Testing positive for equine infectious anemia. (a) Each equidae testing positive for equine infectious anemia shall be quar-

antined. Each owner of a quarantined equidae shall take one of the following actions:

(1) confine the equidae no fewer than 200 yards from any other equidae;

(2) confine the equidae in a screened stall;

(3) slaughter the equidae in a slaughter plant that has been inspected and approved by the animal and plant health inspection service of the United States department of agriculture (USDA); or

(4) euthanize the equidae and bury or incinerate the carcass.

(b) Within 48 hours after the quarantine begins, the owner of the quarantined equidae shall provide written notification to the Kansas animal health department of the location of each quarantined equidae.

(c) Any owner may re-test positive equidae one time within 60 days after the date the quarantine begins, for confirmation of the results.

(d) Following a second positive test, the test-positive equidae shall be branded by the livestock commissioner or the commissioner's designee on the left side of the neck by hot iron or by freeze branding with the code "48," followed by the letter "A." The number "48" and the letter "A" shall be at least two inches in height and shall not be obscured by the equidae's mane. (Authorized by and implementing K.S.A. 1996 Supp. 47-607 and K.S.A. 47-610; effective Jan. 23, 1998.)

9-30-3. Infected equidae moving to another state. (a) If an equidae located in Kansas is known to be infected with equine infectious anemia and is to be moved to another state, the livestock commissioner or the commissioner's designee shall brand the equidae on the left side of the neck by hot iron or by freeze branding with the Kansas code "48," followed by the letter "A." The number "48" and the letter "A" shall be at least two inches in height and shall not be obscured by the equidae's mane.

(b) Each equidae branded in this manner shall be individually identified on and be accompanied by a USDA veterinary services form 1-27 for interstate movement of restricted equidae. (Authorized by K.S.A. 1996 Supp. 47-607d and K.S.A. 47-610; implementing K.S.A. 47-608; effective Jan. 23, 1998.)

Article 32.—SCRAPIE IN SHEEP AND GOATS

9-32-1. Definitions. (a) Only the following terms and their definitions from part I of "scrapie

eradication: uniform methods and rules,” publication APHIS 91-55-079 of the United States department of agriculture’s animal and plant health inspection service (USDA/APHIS), dated June 1, 2005, are hereby adopted by reference, except as modified in this regulation:

- (1) “Accredited veterinarian”;
- (2) “administrator”;
- (3) “animal”;
- (4) “APHIS”;
- (5) “APHIS representative”;
- (6) “approved test”;
- (7) “breed associations and registries”;
- (8) “breeding sheep and goats”;
- (9) “certificate”;
- (10) “commingled, commingling”;
- (11) “direct movement to slaughter”;
- (12) “electronic implant”;
- (13) “exposed animal”;
- (14) “exposed flock”;
- (15) “female animal”;
- (16) “flock or herd”;
- (17) “flock of origin”;
- (18) “flock plan”;
- (19) “high-risk animal”;
- (20) “infected flock”;
- (21) “interstate commerce”;
- (22) “male animal”;
- (23) “noncompliant flock”;
- (24) “official eartag”;
- (25) “official identification”;
- (26) “owner”;
- (27) “owner statement”;
- (28) “permit”;
- (29) “postexposure management and monitoring plan (PEMMP)”;
- (30) “premises”;
- (31) “premises identification”;
- (32) “premises identification number”;
- (33) “premises number”;
- (34) “scrapie”;
- (35) “scrapie-positive animal”;
- (36) “slaughter channels”;
- (37) “source flock”;
- (38) “state”;
- (39) “state representative”;
- (40) “state veterinarian”;
- (41) “suspect animal”;
- (42) “terminal feedlot”;
- (43) “trace.”

(b) The definitions of the following terms adopted in subsection (a) shall be modified as specified in this subsection:

(1) The following sentence shall be added at the end of the definition of “certificate”: “The terms ‘health certificate’ and ‘certificate of veterinary inspection’ are synonyms for ‘certificate.’ ”

(2) In the last sentence of the definition of “flock or herd,” the following phrase shall be deleted: “in accordance with the guidelines published in 9 CFR 54.7.”

(3) In the definition of “flock plan,” the last sentence shall be deleted.

(4) The following sentence shall be added at the end of the definition of “permit”: “The term ‘shipping permit’ is a synonym for ‘permit.’ ”

(5) In the definition of “postexposure management and monitoring plan (PEMMP),” the following modifications shall be made:

(A) The following text shall be added after “A written agreement”: “approved by the livestock commissioner and the administrator that is.”

(B) The last sentence of this definition shall be deleted.

(6) In the definition of “state veterinarian,” the word “veterinary” shall be deleted.

(7) In the first sentence of the definition of “suspect animal,” the following phrase shall be deleted: “in accordance with 9 CFR 79.4.”

(c) The following terms and definitions shall be added:

(1) “Exhibition. The commingling of animals for the purpose of showing or judging contests or for any other type of public display.”

(2) “In commerce. The term describing any animal that is to be traded, sold, bartered, slaughtered, or otherwise exchanged or any animal being moved for any of these purposes.” (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-2. Identification requirements. (a)

Before any change of ownership, the following categories of sheep and goats shall be individually identified with official identification sufficient to trace the sheep and goats to the premises of origin:

(1) All sexually intact animals, except any lamb or kid under eight weeks of age accompanied by its dam;

(2) all animals for exhibition purposes, except any lamb or kid under eight weeks of age accompanied by its dam; and

(3) all sheep and goats over 18 months of age,

as evidenced by the presence of the second set of permanent incisors.

(b) All animals in the following categories shall be permanently and individually identified with official identification before movement of any kind from the premises on which the animals currently reside:

(1) All exposed animals and high-risk animals regardless of age, reproductive status, or genetic susceptibility as determined by an official genotype test; and

(2) all suspect animals and scrapie-positive animals.

(c) The seller shall be required to ensure that all sheep and goats requiring official identification have been identified accordingly and that records are maintained showing either the name of the purchaser of these animals or the name of the market and the date on which the animals were consigned.

(d) Any sheep or goat required to have official identification that is sold at a licensed Kansas livestock market may be identified accordingly at the market if the market maintains records sufficient to trace the animal back to the consignor and the buyer of that animal.

(e) For purposes including genetic testing, exhibition, and interstate movement, any designated agent approved to apply official identification under agreement with the livestock commissioner and the USDA/APHIS may apply the identification to sheep and goats, if the agent maintains records sufficient to trace the animals back to the individual or premises for which the identification was applied.

(f) All sheep and goats in commerce requiring official identification that have not yet been identified and are to be commingled with animals from a different flock shall be identified by the person delivering, hauling, or handling these animals.

(g) If a sheep or goat requiring official identification is received without this identification on a premises where the animal is to be commingled with animals from different flocks, the receiver of the animal shall be required to apply official identification to that animal.

(h) The following categories of sheep and goats shall not be required to be identified:

(1) Wethers under 18 months of age in slaughter channels;

(2) sheep or goats, or both, from a single premises maintained in a separate trailer or section of a transport and accompanied by an owner state-

ment sufficient to allow the slaughter plant or slaughter market to identify the animals; and

(3) sheep or goats, or both, moved for grazing or similar management purposes whenever the animals are moved without a change of ownership from a premises owned or leased by the owner of the animals to another premises owned or leased by the owner of the animals. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-3. Movement of scrapie-infected or scrapie-exposed sheep and goats.

(a) No sheep or goat known to be or suspected of being infected with scrapie and no exposed animal from any flock that is not in compliance with a flock plan shall be imported into Kansas.

(b) No sheep or goat from a Kansas premises that is known to be or suspected of being infected with scrapie and no sheep or goat from a flock that is not in compliance with a flock plan shall be allowed to be moved from the premises without being individually identified with official identification recorded on a shipping permit issued by the Kansas livestock commissioner or the commissioner's deputy. All movement of these sheep and goats shall be only for the purpose of direct movement to slaughter or to a designated facility for euthanasia or research purposes.

(c) Scrapie-exposed sheep and goats from out-of-state flocks that are in compliance with a flock plan in the state of origin shall be allowed to be imported into Kansas, moved to a Kansas livestock market, or slaughtered at a licensed Kansas slaughter facility if the animals are individually identified with official identification and a special permit number issued by the Kansas animal health department is obtained before movement. The official identification numbers of all sheep and goats in each consignment shall be listed on the certificate of veterinary inspection or the owner statement, along with a statement that the animals listed are known to have been exposed to scrapie.

(d) Any scrapie-exposed sheep or goats from Kansas flocks that are in compliance with a flock plan may be sold privately, moved within the state to a licensed livestock market, or moved to a licensed Kansas slaughter facility if the sheep or goats are individually identified with official identification and are accompanied by an owner statement or certificate of veterinary inspection iden-

tifying them as exposed animals and listing the official identification numbers of the sheep or goats in the consignment. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-4. Movement into Kansas of sheep and goats intended for breeding. (a)(1) All sheep and goats imported into Kansas for breeding purposes, except those moving directly to a licensed Kansas livestock market, shall be accompanied by a certificate of veterinary inspection issued by a veterinarian licensed and accredited in the state of origin stating that the consigned animals show no clinical signs of, and are not known to be infected with or exposed to, any infectious or contagious disease. The certificate of veterinary inspection shall state the full name and complete physical address of the premises from which the consignment originated, as well as the full name and complete physical address of the premises of destination in Kansas.

(2) If a special permit number from the Kansas animal health department is required before movement of any sheep or goats, the special permit number shall be included on the certificate of veterinary inspection.

(b) All sheep and goats listed on the certificate of veterinary inspection shall meet one of the following requirements:

(1) Be individually identified with official identification; or

(2) be permanently identified to the premises of origin including the type of official identification used, which may include registered brands or tattoos, electronic implants, official eartags, radio frequency identification, and premises identification tags or tattoos. The number of sheep or goats, or both, included in the consignment shall be listed on the certificate of veterinary inspection.

(c)(1) In addition to the certificate of veterinary inspection, all sheep and goats shall be accompanied by an owner statement declaring one of the following:

(A) No sheep or goats in the consignment are known to be high-risk animals or known to be infected with or exposed to scrapie or to have originated from a source flock.

(B) The sheep or goats in the consignment are scrapie-exposed animals that originate from a flock in compliance with an approved flock plan in the state of origin. These sheep and goats shall

have a special permit number obtained from the Kansas animal health department before movement of any shipment containing these animals. This special permit number shall appear on the certificate of veterinary inspection or the owner statement.

(2) The owner statement required by paragraph (c)(1) may be signed by a veterinarian, rather than the owner, at an approved livestock market if both of the following conditions are met:

(A) All consignors of sheep or goats are notified in writing or by signs posted at the livestock market that any sheep or goat known to be an exposed animal, suspect animal, or high-risk animal is required to be identified as such to the market upon consignment.

(B) The identification of these animals is maintained throughout the sale. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-607a, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-5. Movement into Kansas of sheep and goats intended for slaughter. (a) All sheep and goats moving interstate into Kansas directly to a licensed slaughter facility shall be accompanied by a certificate of veterinary inspection or by an owner statement as defined in K.A.R. 9-32-1.

In addition, all sheep and goats in the consignment, except wethers under 18 months of age as evidenced by the absence of the second set of permanent incisors, shall be identified in one of the following ways to enable the animals to be traced to the flock of origin:

(1) Have official identification, with the type of identification listed on the owner statement or certificate of veterinary inspection; or

(2) be maintained as a separate and distinct group, without commingling, from the time the sheep and goats leave the premises of origin until they arrive at the licensed slaughter facility within Kansas if the slaughter facility performs the following:

(A) Keeps these sheep or goats, or both, separate and apart from all other animals;

(B) slaughters the sheep or goats, or both, consecutively as a group to maintain their identity; and

(C) maintains records sufficient to trace the sheep or goats, or both, from the consignment to the premises of origin.

(b) All sheep and goats moving into Kansas di-

rectly to a terminal feedlot, except wethers under 18 months of age as determined by the absence of the second set of permanent incisors, shall be accompanied by a certificate of veterinary inspection and have official identification. The type of official identification used and the number of sheep or goats, or both, consigned shall be recorded on the certificate of veterinary inspection.

(c) Wethers under 18 months of age, as determined by the absence of the second set of permanent incisors, shall not be required to be identified but shall be accompanied by a certificate of veterinary inspection or an owner statement. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-6. Exhibition sheep and goats. All exhibition sheep and goats in Kansas, except any lamb or kid under two months of age accompanying its dam, shall be individually identified by a means of official identification, regardless of their sex or premises of origin. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-7. Sheep and goats consigned to Kansas livestock markets. (a) Any sheep or goat originating outside Kansas may be consigned to a Kansas livestock market if the sheep or goat is accompanied by an owner statement.

(b) All sexually intact sheep and goats and all wethers over 18 months of age, as evidenced by the presence of the second set of permanent incisors, shall be individually identified with official identification before being sold. All sheep and goats requiring official identification that have not been identified before movement to the market shall be identified at the market, which shall maintain records sufficient to trace these animals back to the flock of origin.

(c) Wethers less than 18 months of age, as evidenced by the absence of the second set of permanent incisors, shall not be required to be identified. (Authorized by K.S.A. 47-607, 47-607d, and 47-610; implementing K.S.A. 47-607, 47-608, and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)

9-32-8. Recordkeeping requirements.

(a) Each individual who applies official identification to an animal shall maintain the associated records for a minimum of five years from the date of application. These records shall be made available upon request during normal business hours to any authorized employee of the USDA or the Kansas animal health department upon presentation of the employee's official agency credentials. Each record shall show the following:

- (1) The official identification number applied;
- (2) the number of animals identified, by species;
- (3) the type of official identification; and
- (4) the date on which the official identification was applied.

(b) In addition to maintaining the records specified in subsection (a), each individual who applies official identification shall provide the following, upon request:

- (1) The name, premises, mailing address, and, if available, phone number of the individual for which the official identification was applied;
- (2) the name and address of the owner of the flock of birth, if the flock of birth is known; and
- (3) the name, premises, mailing address, and, if available, phone number of the individual or premises that purchased or otherwise received these animals.

(c) Each individual or entity who receives, purchases, acquires, sells, or disposes of any sheep or goats shall keep records of each transaction for a minimum of five years from the date of the transaction. Each record shall include the following:

- (1) The number of animals included in the transaction;
- (2) the date of the transaction;
- (3) the name, address, and, if available, the phone number of the second party involved in the transaction;
- (4) the species and breed of the animals involved;
- (5) a copy of the brand inspection certificate or certificate of veterinary inspection for all animals that have official identification consisting of brands or ear notches; and

(6) all business records, including yardage receipts, sale tickets, invoices, and waybills. (Authorized by K.S.A. 47-607d and 47-610; implementing K.S.A. 47-608 and 47-610; effective, T-9-1-9-06, Jan. 9, 2006; effective April 21, 2006.)